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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

3 July 1946

COMMISSIONER:

Captain Joseph Tubridy

POLITICAL LEADERS

(THE COMMISSION CONVENED at 1000 HOURS.)

ALBERT HOFFMANN, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q You were sworn in yesterday?

A Yes.

Q And you understand you are still under oath?

A Yes.

DIRECT EXAMINATION -- Continued

BY DR. LINK:

Q Before adjourning yesterday we finished with the discussion of questions pertaining to Document L-154, except for two questions. How many cases of mistreatments or otherwise wrong treatment of captured allied flyers have you known of within your Gau before the collapse?

A I have not known of a single case before the capitulation. After the capitulation I heard of one case.

CAPTAIN TUBRIDY: May I ask where his Gau is?

INTERPRETER: Westphalia South.

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Q On the other hand, as the political leiter of your Gau, do you know of any cases where flyers were treated completely correctly, despite the fact that there were attacks on non-military targets immediately preceding?

CAPTAIN TUBRIDY: Was this witness informed by any sort of offical reports as to treatment of allied flyers?

DR. LINK: He was the Gauleiter and the supreme authority in the Gau.

CAPTAIN TUBRIDY: But was there any outstanding order that required that his office be notified?

DR. LINK: I do not believe that there was a specific directive but it would have been a matter of course because he was the Gauleiter.

CAPTAIN TUBRIDY? You mean the Gauleiter had that much influence in the Gau?

DR. LINK: In the normal course of events the Gauleiter would have been informed of such matters.

COLONEL GRIFFITH-JONES: Sir, it is proposed that Dr. Link allow the witness to give the answers.

DR. LINK: I have asked him.

COLONEL ORLOV: He also was Reichs Defense Commissioner.

BY DR. LINK:

8 A Counselor, you have misunderstood me. It was not that I was informed by the police of the Luftwaffe regarding either killed or mistreated flyers. It would have been a voluntary act on the part of the Kreisleiter to inform me. The counselor is correct in saying that I would have heard of them eventually but not by official channels.

Q This is enough for me. I do not wish to go into this question

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any further. Regarding this complete group of questions I want to ask you whether you agree with me if the following statements are correct.

CAPTAIN TUBRIDY: Just a minute. This is direct examination, isn't it?

DR. LINK: Yes sir.

CAPTAIN TUBRIDY: Let us not have the counsel testify by having the witness answer yes or no to questions.

DR. LINK: I was informed that it was Colonel Neave's desire that at the end of a certain series of questions the defense attorney once more summarize what was testified to.

CAPTAIN TUBRIDY: Well I think we could dispense with that because it would be covering the same material again.

COLONEL NEAVE: We decided against it, Dr. Link, at one of the recent meetings of the defense counsels.

DR. LINK: We shall omit it then.

BY DR. LINK:

Q You stated yesterday that there was a great difference between your duties as a Gauleiter and your duties as a Reichs Defense Commissar. Will you please elucidate your attitude and the practical measures you took in order to separate your State functions from your Party functions?

A My basic attitude was that I believed that the leadership of people and the executive had to be separate. Like a red thread this basic attitude showed up in my entire activity. As Reichs Defense Commissar I took great care to see to it that the functions of the Kreisleiter did not influence those of the Landräte and vice versa, that the activities of the Landräte did not interfere with those of the Kreisleiter. Furthermore,

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in my Gau I saw to a clear cut separation between the local mayors and the Ortgruppenleiter. I also strove to have a clear cut separation in the officers of the Party although the personnel difficulties, particularly in war time, were very great. I admit that I found this difficult with quite a few of my co-workers. The actual leadership of men is considerably more difficult than administrative work. That is why leaders of men must be selected by character very carefully.

Q Now several details pertinent to some points made by the Prosecution and their charges. Will you please tell us of the attitude taken by yourself and by your officials and the basis of your directives towards the struggle against the ~~charges~~ church.

A When in 1943 I became Gauleiter, or rather took over the leadership of the Gau Westphalia, one of my first directives stated that I did not wish to hear of any church political arguments. It is a matter of course that I, as a Gauleiter of the NSDAP, believed in God. I am, in philosophical terminology, a pantheist but one cannot care for the souls of the people with pantheism. Consequently I rejected taking away from the people something which they believed ~~those~~ they were in need of.

Q What was the practical effect of that attitude in your Gau?

A I had no difficulties with the Catholics and I had no difficulties with the Protestant Church. In order that I may give you an example.....

CAPTAIN TUBRIDY: I think we can eliminate any detailed examples.

DR. LINK: It seems necessary to me, in order to determine how far the attitude of the Gauleiter has had an effect on the practical side.

CAPTAIN TUBRIDY: Does the counselor think this is going to have any great weight, merely one little detail between a Gauleiter and his

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archbishop?

DR. LINK: I do not know the example which the witness wishes to speak of but it may be possible that such an example may illuminate the whole situation of the relationship of Gau with the Church.

CAPTAIN TUBRIDY: No, I think we can dispense with these detailed examples. It really doesn't add a great deal to it.

DR. LINK: May I point out, Mr. Commissioner, that the Prosecution a few days ago had a Kreisleiter from tell of an example of an individual case pertaining to the church hostile attitude of some Ortsgruppenleiter in an entirely different Gau, hundreds of kilometers distant? I do not wish to do the same. I want to do something entirely different. I do not wish to ask the Gauleiter of Westphalia regarding the attitude toward the church in Pomerania or Upper Bavaria. I want.....

CAPTAIN TUBRIDY: Let us eliminate the speeches, please. Go ahead, please, and have the witness make it brief.

BY DR. LINK:

A After heavy bombing attacks I have decorated a number of so-called bomb fighters. Among them there were a great number of Protestant and Catholic sisters. The decorations were given out on two occasions publicly. The Archbishop approached me, asking me to cancel a directive from the Reich according to which, after an air alarm Church was not permitted to start before 11 o'clock the next morning. Against the Reich directive I agreed to the Archbishop's wish and beyond that I initiated cancellation of the directive of the Reich. Those are the two examples which I wished to give.

Q Do you recall the Jewish boycott in 1933?

A Yes.

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Q What was your position at that time?

A At that time I was a Kreisamtsleiter in Bremen.

Q Was that an action which was executed by the political leiters of the Kreis of which at that time you were a part, at the directive of a higher authority?

A I really cannot say that exactly. I believe that the Amt für Handel und Handwerk, which is to say the Office for
was very much interested in that question at that time. The Jewish question never played any large part in Bremen since there were only a few Jews there.

Q But the Stuermer probably also has been read in Bremen?

A Yes, the Stuermer also was "distributed" in Bremen. The method of distribution used by the Stuermer was open to attacks. I very strongly objected at that time to the distribution methods applied by Streicher.

Q What was the success?

A I prohibited the political leiter from distributing the Stuermer. When I was called into the Staff of the Deputy of the Fuehrer I made it my special business to see that the Stuermer would not be considered a Party political publication.

Q What was your position in November 1938?

A I believe I stated previously that at that time I was referent on the Staff of the Deputy of the Fuehrer.

Q You know that in connection with ~~kk~~ a protest meeting, exceeses took place on the 9th of November. In your position on the Staff of the Deputy of the Fuehrer, what did you know about the planning, execution and participation in this action?

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A As far as I myself am concerned I can declare under oath that I did not take part that evening in the Protest Meeting. The next morning I went to the city to the Fuehrerbau...

COLONEL GRIFFITH-JONES: Sir, with respect, the personal experience of this witness on the night of the demonstration and the following morning is wholly irrelevant and cannot in any way assist the Tribunal in deciding the criminality of the Corps as a whole. I hesitate to interrupt because these interruptions invariably take longer to sort out the argument than it is to let the witness go on, but the Tribunal have laid down very clear rules as to what evidence is to be heard and as each witness now takes his stand the evidence is becoming less and less relevant and farther and farther outside any concentrated scope of those rules.

CAPTAIN TUBRIDY: Dr. Link, could you please have the witness confine his testimony to the general situation as it has a bearing upon the issues of the case here, and eliminate personal details as to what he did or did not do.

DR. LINK: Yes Sir.

BY DR. LINK:

Q I repeat my question: In your position as Referent on the Staff of the Deputy of the Fuehrer what did you know about the planning of these excesses on the part of political leaders?

A Previous to the 9th of November I knew nothing at all. The next morning I heard that during the preceding evening and night there was a big row on the Ober Salzberg and the Leiter-in-Chief, Friedrichs, had been ordered to telephone to all Gauleiters and to direct them not to do anything.

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Q On the basis of your position would you have had to be informed if such an action would have been prepared by the political leiter on the Staff of the Deputy of the Fuehrer?

A Of course I would have known about that before.

Q On the basis of your position were you able to find out afterwards whether the Corps of Political Leiter had executed this action.

A I found out nothing like that.

Q How many concentration camps were located in your Gau Westphalia South?

A There were no concentration camps.

Q You mean you did not know of any?

A In my capacity as Gauleiter and as Reichs Defense Commissar, I would have had to know whether or not there was a concentration camp located in my Gau.

Q Were the people who were thrown into concentration camps from the Gau Westphalia South put in concentration camps outside this Gau?

A I do not know what happened before I took office. I do not know of a single case of anyone being thrown into a concentration camp during my term of office.

Q You will insist on your statement that from Spring 1943 up to the time of the collapse you neither caused anyone to be thrown into a concentration camp nor did anyone report to you regarding anyone transferred to a concentration camp?

A In my capacity as Gauleiter and Reichs Defense Commissar I was not informed of anything nor do I know of anything like that. Of course it is possible that the STAPO did something independently. I don't know anything about that because the officers were not subordinate to me.

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Q In your Gau what happened to people who criticized the measures of the State Authorities?

A You mean when a pro-national criticized? I myself asked the population not once but several times, and publicly, to exercise criticism. Of course I wanted positive criticism and not negative criticism. For this purpose I created a Board in order that I might listen to criticism, the so-called Gaufuhrungsrat, which was a Gau Leadership Council.

Q Did you know of any other concentration camps in other Gaus?

A In 1936 or 1937, I do not exactly recall the date, I was in Dachau near Munich, and once, at the beginning of my activity, I accompanied Reichsfuehrer SS Himmler on a visit to Auschwitz.

Q Did your visits give you an occasion to find out about the shelter, food and treatment of prisoners?

CAPTAIN TUBRIDY: I think there is sufficient testimony without this witness continuing.

DR. LINK: May I ask whether these statements touch upon the organization of Political Leaders?

CAPTAIN TUBRIDY: Anything which has been put before the Tribunal will be considered in that connection.

DR. LINK: Yes, in general, Mr. Commissioner, but the point here is whether the Corps of Political Leaders was aware of the situation in the concentration camps and whether they had exercised any influence or whether they could have had any influence on it.

CAPTAIN TUBRIDY: What has that go to do with the last question you asked the witness?

DR. LINK: The witness was a high Political Leader and I

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want to prove by him that even the high political leaders were ignorant of the concentration camp situation - it does not do me any good if a high police official, or Minister of the State, or SS leader declares that he did not know anything about it. This is a charge brought against this organization.

CAPTAIN TUBRIDY: The last question you asked the witness was about conditions in the concentration camp and you tell me by that you are attempting to prove he did not know what was going on in the concentration camps.

DR. LINK: That is my intention but I do not have the answer and I do not know what the answer will be.

CAPTAIN TUBRIDY: Very well, proceed.

BY DR. LINK:

A I am under oath here and I can consequently testify only to what I know positively.

Q In 1941 you were in Auschwitz?

A Yes, I was in Auschwitz in 1941.

Q Did you see there any incinerators for the purpose of burning hundreds of thousands of corpses?

A Two new incinerators had been newly constructed in Auschwitz.

Q Did the camp commander or anyone else tell you to what extent these furnaces were put to use?

A I was in the suite of the Reichsfuehrer-SS. Consequently it was the Reichsfuehrer-SS who asked the questions, not myself. I learned from the discussion that the purpose of the incinerators was to burn those who had died in the normal course of events, something which I thought to be an exceedingly hygienic measure. Besides I saw seven urns and I then heard that these seven urns were sent to the family members. That is all I heard about the incinerators in concentration camps.

COM. B.
Take 1 - 11
LESSER
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Hoffmann

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Q During your visit in Dachau and Auschwitz did you notice anything which seemed to you a transgression of the ordinary human decencies or which in any other way seemed to be remarkable to you?

A I myself noticed nothing.

Q Did you visit these camps Dachau and Auschwitz in some official capacity in the execution of your duties as political leiter?

A The visit to Dachau took place at the request of the at that time Stabsleiter of the Deputy of the Fuehrer, Bormann, because he wanted his co-workers to see a concentration camp and his co-workers had asked for such a chance. As I stated before, I visited Auschwitz in the suite of the Reichsfuehrer-SS. The concentration camps were not subordinate to us. If we ourselves wanted to make a visit there, which I did not want, we had to apply to the Reichsfuehrer-SS for a permit.

Q Will you please say something very briefly regarding the situation of foreign labor in your Gau?

A The only thing I can say is that we did everything in our power to make the situation as good as possible for foreign labor. I had directed the Gaufuehrungsrat, which I mentioned before, to inspect the food situation of the Russian workers. The Gaufuehrungsrat, and, within the Gaufuhrungsrat, the chamber: Social Policies, found the following result: An increase of calories would also increase the efficiency of the production of the Russian workers. The Reichs Food Ministry having consented to it, a test was made on 10,000 workers in my Gau. This test proved the correctness of the statements ~~my~~ made by the Chamber: Social Policies within my Gaufuehrungsrat and the number of calories was substantially increased.

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Q Of how many cases of mistreatment or mal-treatment of foreign labor were you informed in your capacity as Gauleiter, or have you heard of any in your capacity as Gauleiter?

A I do not know of any case but that does not say it could not have happened. In any case we paid special attention, and this is true particularly of the German Labor Front with their representatives, to seeing that these people were treated well because essentially their output depended on the treatment.

Q Is it true that with the increase of bombing attacks you received an ever increasing number of complaints stating that these foreigners were better off in diverse directions than the indigenous population?

A I can only say that Industry saw to it that their darlings, and they were the darlings because of the mass of labor which was required, would be treated well and fed well. Consequently I consented silently that the Industry could buy on the black market but not on the black market of Germany but on the black market in Holland. I want to say by this that these people were fed much much better than the population itself.

Q I don't want to ask you about it any more. Do I understand you to say that primarily the German Labor Front was a competent authority?

A The German Labor Front was a competent authority for the foreign labor as far as care and relief of these people were concerned.

Q I have a special witness for that and I shall no longer deal with this matter here. The Prosecution charges the Political Leaders with participation in the activities of the so-called Einsatzstab Rosenberg. What significance has this name for you?

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A After reading the trial brief I recalled that I ran across such a man in Kiev who showed me a Russian painting exhibit. I only heard anything else about the Einsatzstab Rosenberg after my internment.

Q Do you wish to say that the Political Leiter in your Gau, Westphalia South, never received any directives pertaining to these matters?

A As far as I know the Einsatzstab Rosenberg was active in foreign countries. How could my political leiters have had any knowledge of it?

Q I only assume that if some high political office would have written saying "We need political leiters for ~~xx~~ the Einsatzstab Rosenberg" that you would have had to be informed of it or would have known of it in your capacity as Gauleiter.

A That is, per se, a matter concerning the personnel chief but I am not sure that anyone was required.

Q Witness, when did you come to the realization that Germany was no longer in a position to win this second world war?

CAPTAIN TUBRIDY: What possible difference can it make what his opinion was?

DR. LINK: The witness was Gauleiter and Reichs Defense Commissar, and as such had a wide horizon. The Prosecution charges the organization of political leiters with being united in a conspiracy, down to the last block-leiter, in order to commit crimes in the different manners in order that there would not be a peace and in order to destroy everything. Now if a man in his position can be heard on his view on the war situation in his capacity as Gauleiter and Reichs Defense Commissar, then I hope it will give the Court a view of the lower ranks of the organization of political leiters.

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CAPTAIN TUBRIDY: You mean you expect other people to have the same opinion, you expect it to be assumed that other people have the same opinion that he does?

DR. LINK: If, which is something I do not know, but IF the Gauleiter and Reichs Defense Commissar only realized shortly before the collapse that the war could not be won because Hitler, Goebbels and company deceived him just like they deceived others, the International Military Tribunal will be able to draw its conclusions regarding the capacity of understanding and knowledge of the Block Leiter, the Ortsgruppenleiter, and so on.

CAPTAIN TUBRIDY: Perhaps you know what you are trying to prove but I don't see the relevancy of the question and I think you are making some long assumptions.

DR. LINK: May I make it brief, sir?

CAPTAIN TUBRIDY: I wish you would.

BY DR. LINK:

Q Will you be brief, witness. Did you take seriously the ever-recurring assurances of peace by the Fuehrer before the seizure of power and afterwards?

A Of course.

Q During war time were you in a position to get together with the highest leaders and there to receive assurances in respect to the victorious outcome of the war?

A When I first experienced some scruples I telephoned Minister Goebbels and I asked him to call on me. He called on me and I submitted my scruples to him. During his visit he attempted to show me that the foreign policies would have to be changed and he knew how to convince me that a turn one way or the other in the direction of foreign policy and by elimination of

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the Reichs Minister for Foreign Affairs the situation of the German people was thoroughly favorable. ~~Xxx~~ We were in the Party Chancellory until the 24th of February 1945. Adolf Hitler explained to us in a small circle that he hoped to bring about peace by fall. Dr. Ley called on me about the middle of March. May I use notes in order to repeat literally what Dr. Ley told me?

CAPTAIN TUBRIDY: We prefer you not to.

WITNESS: I cannot quote literally.

CAPTAIN TUBRIDY: State substantially what he said.

WITNESS: It is one phrase - one sentence.

CAPTAIN TUBRIDY: Can you state substantially what he said?

A Dr. Ley told me that he had called on the Fuehrer, that he had been received briefly and that the Fuehrer had said, approximately, "Ley, I still have something but I know you cannot keep your mouth shut. That is why I have to keep it to myself." Of course I cannot say whether those were the actual words spoken by the Fuehrer or whether it was Dr. Ley's imagination. But I must say honestly today, sorry as I am, that as late as the 30th of April I believed in the miracle weapons and in good faith I caused my population of the Gau Westphalia South to keep going.

Q When you finally realized that all this was fraud and deceit there arrived the destruction directive of the Fuehrer. Did you also take the attitude that everything should go down in a terrible chaos or did you try to save what might be saved, if necessary against the orders of the Fuehrer?

A I must correct you to the effect that the actual connections I have heard about only in the witness building. Regarding the orders to destroy, I specifically countermanded these orders but I did not leave it like that.

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I sent my Staff Office Chief to Reichsleiter Bormann and I informed him of my views and he went to discuss the closest details. Staff Office Chief Struwe was ordered to execute the order. Nevertheless I did not execute it. When Reichs Minister Speer came to me on the next day I explained to him why I found it impossible to follow this order. Reich Minister Speer asked permission to submit my directives to the Fuehrer. He did so and the Tribunal knows that the ultimatum was withdrawn. The same thing was true of the order for evacuation. I could not put my people out on the street during the bombing attacks, which were ordinary occurrences in our place; there would have been thousands of dead. I declared to Reichsleiter Bormann who telephoned me because of that that I could not possibly execute that order. Reichsleiter Bormann stated on the telephone that it would be my guilt if the enemy advanced in the West.

COLONEL GRIFFITH-JONES: Which is all wholly irrelevant again. It is an absolute sheer waste of time, if I may say so, with the greatest possible respect.

DR. LINK: I am just about finished with the witness.

Q You did not execute it?

A No.

Q One last question. In November 1938 did you personally report to Adolf Hitler? This was after the incorporation of the Sudetans into German territory after the Munich Pact. Will you please tell the court in two sentences the statements of the Fuehrer regarding his peace intentions or aggressive warfare?

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A I cannot state that in two sentences, it is a longer discussion. I can only say that the conversation gave me the impression that war was to be avoided at all costs.

DR. LINK: I have no further questions.

(A recess was taken.)

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The Hearing reconvened at 1130 hours after a ten minute recess.

ALBERT HOFFMANN - Resumed
CROSS EXAMINATION - Continued

COMMISSIONER:

Captain Tubridy.

BY COL JONES:

Q I want to ask you first of all about Document 154, which is an order which bears your name, dated 25 February 1945. Do I understand correctly that your suggestion is that the order was issued by your Chief of Staff - without your authority?

A The Chief of Staff submitted it to me in an outline.

Q You told us, as I understand, your description of the events that took place. What I am not clear about is your suggestion of those events. Are you suggesting your Chief of Staff issued this order without your authority?

A I believe that even the Stabsamtleiter did not know that the order slipped out.

Q But in your Gau organization was it a frequent occurrence that orders slipped out by mistake?

A At that time there was no night or day pause. One could no longer speak of an orderly organization.

Q Perhaps you will answer my question. Did you find that orders were frequently slipping out without the

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knowledge of the Chief of Staff?

A I cannot say so because I had no control over it.

Q Do you know of any orders that slipped out?

A At this moment, no.

Q Your Gauleitung was not the only organization under considerable stress at that time, was it?

A No, of course not.

Q You think orders were slipping out from all other Gaus and organizations that were under distress in 1943?

A It might have been possible that it happened somewhere else also.

Q That order - as I understand it - was in complete contradiction to the policy and the views that you maintained up to that time?

A Yes, sir.

Q And I imagine that your Kreisleiters were fully aware of that policy, and those views?

A Yes, sir.

Q So that when the Kreisleiters received this order they must have, to say the least, been surprised?

A The order here inserted in the record in my opinion was not issued.

Q But you are not suggesting, are you, that the Kreisleiter never received this order?

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A I can only say, and I here refer to a statement I was not permitted to make yesterday, that those Kreisleiters whom I was in a position to ask about it, had not received that order.

Q But I understood that your explanation on this order was that it had been sent over the telephone from your command post, and that this document that we have is the document that was taken down at the Kreisleiter's end?

A Yes, sir, that is a receipt.

Q So that the order reached the Kreisleiter?

A The Kreisleiter probably has received the order which is shown by this receipt of message.

Q This order when it was received by your Kreisleiter must have come to them as a very great surprise in view of your previous known policy?

A Yes, of course, but the Kreisleiter was in no position to know whether that was transfer of an order of the Fuehrer or whatever else it was.

Q Would it be over-stating it to say that it must have been not only a surprise but a great shock to them to have received an order of this kind?

A That is going too far, because they were made aware of the view of the Reich government by the publication of the Goebbels order.

Q Very well. We will accept it, that they must have been surprised. Now, are you telling us that not

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one of your Kreisleiters ever discussed this surprising order with you subsequently?

A I believe that the representative of the prosecution cannot imagine the situation which prevailed at that time.

Q Perhaps you can answer my question first of all. Are you telling us that not one of your Kreisleiters mentioned this surprising order to you at any time afterwards?

A It has not been found out how many Kreisleiters received that order all together.

Q But you tell us, as I understand, that you yourself did not discover this order slipped out until after your imprisonment in a prison camp?

A Yes.

Q Then are you telling us, and I ask you again, that not one of your Kreisleiters ever discussed this surprising order with you between February 1945 to the end of the war?

A If I have heard about the slipping out of this order only in an internment camp, no Kreisleiter could have discussed this matter with me previously.

Q Are you suggesting also that some of your Kreisleiters never received this order?

A No, of course, I do not want to state that.

Q I just want to ask about another one - in connection with it. You told us that when your Chief of Staff submitted the originaldraft you re-drafted it and eliminated

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all mention of the Party?

A Yes, sir.

Q What was the object of doing that?

A My substantial position was that the Party was not to be burdened by the executive.

Q How could you eliminate all mention of the Part when an order was issued by you?

A What do you mean by that?

Q If the order is issued by the Gauleiter how can you eliminate all connection with the Party?

A I was two things: Lauleiter and Reichleiter - the Defense Commissioner.

Q But the document itself has on it - Gauleiter..... It mentions both your capacities.

A I had the title of Gauleiter, and besides that I was active in the position of a Gauleiter -- which are two different things.

Q You are sending it it to your Kreisleiter.

A Only for information as it was customary with State issued directives.

Q But it was customary, was it, to send it to your Kreisleiters because they were people who had to assist or participate in the carrying out of orders of that kind.

A No, sir.

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Q What was your object in sending it?

A The Kreisleiters were informed regarding all political events and things interesting to them in one form or the other.

Q Was it not the intent in sending it - so that these persons they should not interfere in the event of being attacked by the people?

A No, sir.

Q I will turn to another aspect of it.

In March 1940 you were referent in Hess' place?

A Yes, sir.

Q Do you remember an order - an order here giving date of March 13, 1940, signed by Hess himself, which inclosed a directive about the behavior of the people in case of landings of enemy planes or parachutters?

A I cannot recall such an order, in the year 1940.

Q I can get the document for you if necessary, but let me try to remind you by reading it to you...(starts reading the document)

DR LINK:

May I have the number, please?

COL GRIFFITH-JONES:

Why, yes, certainly, excuse me. The number is PS-026. U. S.-696.

(...continuing) The directive laid down certain orders as to the arrest regarding planes and it concluded by

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saying, "likewise enemy parachutters are immediately to be arrested or rendered harmless." Do you remember that?

A I want to say that in my position as referent I was in charge of personnel, social, political and organization questions. I did not work on these matters, and consequently I do not know.

Q You never heard of it while you were on the staff?

A I cannot, at least, recall it.

Q Well now, that document was sent out by Hess to Gauleiters with instructions that it was to be disseminated only to Kreisleiters, Ortsgruppenleiters, Zellenleiters and Blockleiters. Transmission by official orders, posters, press or radio prohibited. It was marked "Top Secret." It was stated that it was a State secret in the sense of paragraph 88 of the Reich Criminal Code. It was to be passed on only personally or upon personal written request, in two envelopes against receipt certificates to be obtained. Transmission was only to be throuth courier or trusted person; multiple of any kind was prohibited; and the recipient was made responsible for its safe keeping, and it was said that violation of that would result in serious punishment.

Now, in view of that quite exceptional secrecy, would you agree with me that there can be only one interpretation to the words "rendered harmless"?

A No.

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Q What else could it mean?

A Rendered harmless may easily be understood - as to be disarmed, so that he is not harmful to the civilian population.

Q What would be the purpose of making the document so secret if it was to mean that the person was only to be disarmed?

A I have already stated that I do not know the document, that I have not worked on this matter. After what the representative of the prosecution submits, it seems to have been handled by the M O B Department.

Q What is that?

A This M O B Department had the habit of putting their stamp on any unimportant document.

COL GRIFFITH-JONES

(...to the Commissioner).. I do not have the document here. I wonder whether we might adjourn a moment until I can get the document?

THE COMMISSIONER:

Yes, do.

* * *

COL GRIFFITH-JONES:

(Hands the document to the witness).

Now, if you will look at that document -- and, first of all, if you will read the Hess letter. Would

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you tell me whether there is anything in the letter itself which justifies those security directions? Just look at the letter itself, first of all. (And the witness looks and ponders.) Is there anything in the ltter itself which warrants all those directions as to its secrecy?

A (The witness just ponders...)

Q We will deal with the inclosure in a moment. But is there anything in the letter that would indicate or justify this secrecy?

A Obviously it is like I stated before. It is a directive emanating from the M O B Section, and the M O B Department always put its stamp on it to make it a top secret matter.

Q The MOB Section?

A The MOB (Mobilization Section) - it was in charge of such matters; it had to secure personnal for the Party during war time.

Q But this comes from the Deputy of the Fuehrer. There is no mention at all of M O B on it.

A No, but my experience tells me that it falls within the competency of the M O B.

Q Will you say that any section or department in Germany is going to make top secret of any document they send out?

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A No. But the MOB Section was a new section which was a war necessity, and they were in the habit of covering themselves with a veil of secrecy. They were the only ones who had such a stamp.

Q So that your explanation is that this document is marked secret because that particular department marked all the documents they issued out in the same way?

A Yes.

Q Irrespective of the subject matter?

A At that time we made fun of it.

Q Will you agree with me that there is nothing either in the letter itself or in the direction other than paragraph 4 which would justify any secrecy at all?

A I would not have issued it stamped secret.

Q There is nothing, is there, in paragraph 4 that would justify secrecy unless it be interpreted in the way that I suggest?

A I cannot agree with the interpretation of the representative of the prosecution.

Q Perhaps you will answer my question. There is nothing in paragraph 4 which would justify secrecy unless you interpret it in the way that I suggest?

A Point 5 in my opinion says merely that it is merely a matter of arresting these people.

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Q Perhaps you will answer my question. I will ask it for the last time. You see, the transcript will be read by the Tribunal, and if you repeatedly refuse to answer my question they will, no doubt, observe the fact and draw their conclusion. There is nothing, is there, in paragraph 4 which would justify secrecy unless you interpret it in the way which I suggest?

A I cannot answer the question from the way I have already answered it before.

Q Let me point out to you that you have not answered it at all.

A I have said that I see nothing secret in paragraph 4.

Q Now, that was in 1940. And you will observe, will you not, that that goes to all grades of Hoheitstraegers including Zellenleiters and Blockleiters.

A Yes, sir.

Q And it also goes to the Reich organizations leiter?

A Yes.

Q.. ....And the Reichpropagandaleiter?

A Yes.

Q ....And the Reichsstudentenleiters?

A No. Reichsstudentfuehrer.

Q ...And to the SS Gruppenfuehrer Heydrich? Heydrich, of course, was Himmberl's number one?

A He was the chief of the security police.

Q Under Himmler?

A Yes.

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Q Do you know that in August 1943 Himmler was issuing an order which reads as follows: (Referring to R-110; US-333) "It is not the task of the police to interfere in clashes between Germans and English and American flyers who are held up."

A I have answered positive to this question, yes sir.

Q And that order was issued or circulated verbally to Gauleiters.

A I received it in my capacity as Reich Defense Commissioner.

Q I am not interested in what capacity you happened to be active at the moment this document was shown to you. You know, do you not, that that letter was in fact-- or that Himmler requested that that letter should be circulated verbally to Gauleiters, not to Reich Defense Commissioners?

A I have heard of that only here.

Q It is an extraordinary thing, isn't it, that Himmler issuing that order to Gauleiters and the order is identical with the one that Hess, or the one I suggest, Hess was issuing orders to Heydrich?

A The airborne situation in 1940 differed considerably from that in 1943.

Q I will ignore the fact that that is not an answer to my question. Can you tell me why Himmler should have been requesting that that order should be circulated to Gauleiters?

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A I believe it was customary to address the Reich Defense Commissioners by their titles and not by their designation of position.

Q I don't understand what you mean. Perhaps you do not understand what I mean either.

Why did Himmler request that that order be circulated to Gauleiters?

A Probably because, as in the case of other State directives, so that the Gauleiters may be informed.

Q Wasn't it in order that the Gauleiters should insist on seeing that the instructions should be carried out?

A Gauleiters had no authority to order the police.

Q But the Gauleiters could make it quite difficult, coudln't they?

A Yes, I believe that the order to the Gauleiter is greatly exaggerated as far as Sector Himmler is concerned.

Q If the Gauleiter would have even have done anything about it at all, then why send the letter to him if it was no concern of his?

A We received in exactly the same manner, State directives of an entirely different kind, too.

Q Did you personally receive that order as a Gauleiter?

A Yes, sir, I received it.

Q Did you approve of it?

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A I stated yesterday that I did not approve of the order.

Q Did you protest?

A I did not protest at the top. I had nothing to protest.

Q Do you know any Gauleiter that protested?

A I did not discuss this with other Gauleiters.

Q Your Gauleiters never discussed these orders which were circulated to you?

A Gauleiters' meetings meant listening to pertinent lectures, not as one might believe discussions.

Q You surely had conversations with your colleagues at Gauleiters' meetings. Or was everything so secret that you did not dare to talk to them about it?

A No. This order would not be considered a risk to discuss it with any other Gauleiter.

Q An order for murder, was that so usual that one would not even discuss it?

A I do not believe this to be an order for murder.

Q Well, now, that was August 1943. You know the Party Chancery were issuing another order in May 1944.

A I answered yes to that question yesterday.

Q Document PS 057; US 329. That order sets up,

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first of all, certain allegations about British and American flyers shooting up civilians. It concludes by saying that no police measure or criminal proceedings to go to those who participated in these incidents. And the incidents which it says happened were that the airmen who made forced landings were lynched. Do you think that that order slipped out of Bormann's office by mistake?

A No.

Q You called that an order which is in effect an order for murder?

A I stated yesterday that I disapproved of this order.

Q Did you discuss that order at your Gauleiters' meetings?

A The theme was the contents of a discussion with Goering.

Q So that you did discuss that one.

A Yes, sir.

Q So that that order was issued to Gauleiters, Verbaendefuehrers and Kreisleiters?

A I should think it was also for the information of Party offices.

Q What was the object of sending that information?

A Probably the complaint of the populations were transferred by way of Party channels.

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Q This order went also verbally to Ortsgruppenleiters?

A As I recall, the Ortsgruppenleiters were to be informed.

Q What was the object of sending a letter like that around to all Ortsgruppenleiters?

A Probably the one I just mentioned.

Q I don't for the moment -- forgive me -- I don't see a reason for sending this letter out.

A The complaints of the population went by way of Ortsgruppenleiters, Kreisleiters and Gauleiters up to the leiter of the Party Chancery. From there they would be submitted to the...

Q What has that got to do with sending around this order in a circular about "peoples' justice", which, in effect, says that airmen should be lynched or allowed to be lynched?

A Is not punishable, yes.

Q What is the object of sending the circular around?

A I do not know because I cannot judge that - because I did not issue the circular.

Q Let me suggest it to you. Isn't it because Gauleiters, Kreisleiters, Ortsgruppenleiters -- because the complaints of the population went through those channels?

Isn't it also because it is through those persons that the Kreisleiters, Gauleiters and Ortsgruppenleiters had contact with the people, and could incite them to lynch

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enemy airmen?

DR LINK:

May I interrupt for a moment.

May I point out that the witness for some time has been asked the possible motive of a circular which he has neither issued nor has he participated in the issuance of it. He has not acted according to these orders because he did not think them right. And in respect to which he has already stated that he does not know why this circular was issued by Bormann or one of his aides, or why it was circulated in the way that it seems to have been circulated. At this time the High Tribunal hears the witness Weikenhorst, one of the main co-workers of Bormann, and the witness Klopfer has been heard already, also a co-worker of Bormann....

THE COMMISSIONER:

I wish you would shorten your statement when you make an objection. We are not interested in long explanations. I just like to call your attention to the fact that this is a cross examination. And he is trying to find out just how much the witness does know. Please be seated, and let's go on.

COL GRIFFITH-JONES:

Q Might it not be that it is the Gauleiters, Kreisleiters and Ortsgruppenleiters which are in a position to incite, if necessary, or encourage the people to lynch

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airmen. It is those people, you tell us, that received the complaints of the people. You don't think it might help them in dealing with those complaints, to be able to say - "Well, why don't you lynch the next airmen that comes"?

A That is a matter of opinion.

Q Well, now, that was in May 1944. Some nine or ten months later your own order slips out of your office. Are you seriously telling us that you, as Gauleiter, are not carrying out the orders that Bormann expected to be carried out when he sent around that circular?

A I can prove that there were several emanating from Bormann which I did not execute.

Q Just listen to what it says in the order which bears your name: Fighter bomber pilots who are shot down are, on principle, not to be protected against the indignation of the people. I expect from all police offices that they will refuse to lend protection to these gangster types.

Isn't that exactly what might be expected of Gauleiters to write if he had received Bormann's letter of May 1945?

A There was not only Bormann's circular, but also the article by Goebbels.

Q Aren't you carrying out as a Gauleiter exactly

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what all Gauleiters were meant to do. Are you not doing what all Gauleiters were meant to do. Issuing orders for murder, aren't you?

A I stated yesterday that I have stopped that order.

Q Don't you think that it is a remarkable coincidence, that after all those orders you received, and the speech of Goebbels was made, this direction which bears your name should just happen to slip out without your authority?

A I have not doubted the fact that the outline of the order was submitted to me.

Q But it is an extraordinary thing that the order should have slipped out without your authority when it is preceded by three known directives, and a speech by Goebbels. Isn't it a remarkable thing that it should then have just happened to go out of your office without your authorization?

A I can only say that the facts as I described them yesterday are true facts.

Q Then there follows the extraordinary thing, surprising as that order was, that none of your Kreisleiters ever mentioned it to you.

A (no answer)

THE COMMISSIONER:

Let us adjourn now until two o'clock.

* * *

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~~Q~~x

CAPTAIN ~~T~~UBRID~~I~~: Please remind the witness that he is still under oath.

(Witness is reminded.)

BY ~~EXXXLIXXXxxxx~~ COLONEL GRIFFITH-JONES:

Q. Did you say this morning that "I, as a gauleiter, as a matter of course believed in God"?

A. Yes. There were a number of gauleiters who were not believers in God.

Q. The definite policy of the Nazi Party was to suppress the influence of churches as much as possible, was it not?

A. I should like to formulate it differently: To bring about a separation of Church and State.

Q. Very well, for the moment we will accept it that way. It was the gauleiters--the hoheitstraeger generally, that were to be the means of carrying that policy into effect?

A. That, per se, was a task of the Reichs Church Minister.

Q. It was also a recognised task of the Corps of Political Leiters, too?

A. Of course, I must make the remark that the State based its policies on those of the National Socialist Party. The National Socialist Party had the political principles of separation of State and Church.

Q. And it was the task of the Political Leiters to put into effect the Party ~~P~~ policies?

A. Yes, Party policies; yes.

Q. Did you, in 1931, become Deputy Gauleiter of ~~Sxxxxxxx~~ Upper Silesia?

A. Yes.

Q. Do you remember a secret order or circular being issued by Bormann to all gauleiters in ~~12~~ June 1941?

A. May I ask for the contents of this?

Q. I refer to document D 75. I can't give the code number of it at the

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moment. I'll just quote one or two extracts for you, which will show you the gist of the document. It starts off by saying, "National Socialism and Christian concepts are irreconcilable." Then, I quote again, "Our National Socialist ideology is far loftier than the concepts of Christianity, which, in their essential points, have been taken over from Jewry."

A. I recall it. You need not read it any further.

Q. I am afraid I must read a few more extracts. "For this reason, also, we do not need Christianity." Now, that doesn't sound like advocating separation, does it? That sounds like getting rid of it, doesn't it? If you don't need a thing, you generally get rid of it--not separate it.

A. This circular of Bormann represents his private views. This circular was withdrawn by special order the next day.

Q. If it represents Bormann's private views, what is his purpose in sending it out to gauleiters?

A. Probably he wanted to inform the gauleiters of his private views; that is, that he could possibly propagate his views as the views of the Party generally.

Q. But wasn't it sentto gauleiters in order that gauleiters should put the policy into effect?

A. Yes, if it remains as a fact; but not if a special order of Hitler withdrew it.

Q. Well, we will deal with that in a moment. I would like to go back to the point that the policy of the Nazi Party was separation of the Church--and not suppression of the Church. Let me quote another passage from this document: "If, therefore, in the future our youth learns nothing more of this Christianity, Christianity will disappear by itself." That doesn't sound like separation, does it, or an advocation of separation?

A. When it is withdrawn, it is not an official opinion. That is all I

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can say about it.

Q. You say it was withdrawn; but, six months later, in ~~194~~ December 1941, a copy of this order was found amongst the papers of a Protestant priest. A letter from the security police ~~x~~ in connection with that document says that the secret decree was sent to all ~~gaux~~ gauleiters and makes absolutely no mention of the fact that it had been withdrawn the day after.

A. I do not know of this, and therefore I cannot say.

Q. I want to ask about the knowledge of gauleiters generally in respect to what was happening in concentration camps. Did other gauleiters besides yourself visit Auschwitz?

A. I do not know of any other gauleiters having visited Auschwitz, but I was in Upper Silesia only for a certain period.

Q. Why should you be favored with a visit to Auschwitz?

A. I accompanied the Reichsfuehrer SS because Auschwitz was in Upper Silesia.

Q. I will simply ask you one further question on that. When you saw two new incinerators just installed, did it occur to you that the death rate at Auschwitz must be rather higher than one would expect?

A. No.

Q. It didn't occur to you as strange at all, did it, that there ~~x~~ should be required two brand-new incinerators to deal with the corpses of those who died naturally in one concentration camp?

A. I do not recall the exact number of inmates of Auschwitz, but there were no other possibilities. What else could they have done? A city of 30,000 inhabitants must also have facilities to take care of the dead. Besides, I ~~xx~~ could understand that they wished to send the ashes to the relatives.

Q. But, although it was in your gau and known as a concentration camp, you didn't see fit to~~xxxx~~ make any inquiries about the matter?

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A. We were forbidden to do so.

Q. Didn't that raise your suspicions?

A. I must say honestly that, as Deputy Gauleiter, I took care of Party matters; and I never felt a desire to inspect prisons or sanatoriums or that sort of thing.

Q. I am not concerned with your desires. Did you never feel a duty, as Deputy Gauleiter, to try to find out what was happening in this concentration camp? When you found two brand-new incinerators installed, and discovered that everybody was forbidden to ask any questions--didn't that very greatly stir any sense of duty in a Deputy Gauleiter?

A. I believe that the Prosecutor does not know that the Deputy Gauleiter is not simultaneously the Deputy Senior President.

Q. I don't mind what the Deputy Gauleiter is. Don't you think it might stir a sense of duty in any decent, ordinary individual if he is taken to Auschwitz and finds two brand-new incinerators installed for the use of that camp, and is told that he is forbidden to make any inquiries about them?

A. I was not forbidden to ask any questions. I was only prohibited from inspecting the concentration camp without authority given by the Reichsfuehrer SS. At that time we didn't have the slightest idea; we didn't know what they intended to do.

Q. When you found these two incinerators there, did you not think it strange that they would need two incinerators to cope with the dead in one concentration camp?

A. I said this morning that there were all of seven urns, and that the incinerators were full.

Q. I won't labor the point. There is one matter I want to ask you about. I understood you to use this expression this morning when speaking of foreign labor: "Industry", you said, "saw to it that their darlings would be treated well." Will you look at that document; and I refer you to D 338. This is a new document, and

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will become Organizations Document... The number I don't know. It will, no doubt, be given a number by the Commissioner, and will be put into the transcript. That, you see, is a special medical report by a camp and works doctor at Essen, dated July, 1944. You see that it is addressed to the KVD. What is the KVD?

A. That is the Insurance Doctors' Association of Germany.

Q. And the gauamtsleiter, Dr. Heinz. Is that the doctor on the gau staff?

A. That can be assumed, but that is not from my gau.

Q. But that is what it means, isn't it?

A. Yes.

Q. It reads: "The sick bay hut in Ravenhorst Camp is in such bad state that one can't speak of a sick bay anymore. The rain leaks through everywhere. The housing of the sick is therefore impossible. The labor supply is thereby greatly endangered because those persons who are ill cannot get well again. The hut must be roofed over as quickly as possible, or the sick must all be transferred to hospitals. This must be avoided, because of the overburdening." Is that your idea of the way in which industry sought to see to it that its darlings were treated well?

A. Mr. Prosecutor, I applogise. I can only talk for my own gau, and not for other gaus. The document comes from the DAF (German Labor Front)--the oberlager fuehrung, a sector of the DAF.

Q. May I see that? The oberlager fuehrung--that's the DAF, is it?

A. Unless it is the Todt Organization.

Q. It doesn't seem to me that it makes very much difference from where that document came. I am asking you whether that is what you meant by saying that industry treated its darlings well?

A. I have stated before that I cannot testify in connection with this document, since it is not in my gau.

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Q. Did you never go into Essen or into the Ruhr areas?

A. The Ruhr area belonged to my gau.

Q. Just dealing with the Gau of Essen for a moment: The Political Leiters must have known, must they not, of the conditions that are described in that letter?

A. A man of the Labor Front, and presumably a Political Leiter, registered a complaint with the competent authorities.

Q. Yes; but he is complaining, is he not, to the gauamtsleiter among others?

A. No, it is probably that he has complained to the Insurance Doctors Association. The gauamtsleiter was the Party representative for public health.

Q. The gauamtsleiter was the professional advisor to the gauleiter, wasn't he, on medical matters?

A. Yes.

Q. And the gauleiter, we know, was responsible for the inspection of slave labor employed in industry--to see that they were looked after properly?

A. The gauleiter was not the responsible one, but the Reichs Arbeitseinsatz Ministry, the Reichs Works Ministry, and the Office of the Generalbevollmachtigte for Employment.

Q. But are you telling me that the gauleiter was not responsible for inspecting the conditions of slave laborers and controlling the various directives that were issued for their proper treatment?

A. There were direct decrees emanating from the Generalbevollmachtigte for Employment.

Q. Direct decrees saying that the gauleiter was responsible, were they not?

A. The direct decrees went to the President of the German Labor Office.

Q. But, you see, we have a document here; and I refer to PS 3044, which I will quote to you. It is a decree issued by Sauckel in May 1942 in which he lays down the treatment that is to be accorded to foreign laborers, and he

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says the German Labor Front was responsible for the care of foreign labor that was not agricultural; and he concludes by saying this: "In the German gaus, the gauleiter will have the rights of inspection and control of the execution of these orders." That, presumably, means what it says, doesn't it?

A. I don't know the circular. I should like to see it.

Q. It is a decree which was issued in the "Verfuegungen, Anordnungen-Bekanntgaben" ~~and in the~~ _____. Rather a mockery, isn't it, that you as a gauleiter--~~by then~~ were you not, in May 1942? ...

A. I was Deputy Gauleiter.

Q. Well, isn't it rather remarkable that that decree never came to your notice? Either then, or subsequently, when you became gauleiter?

A. I don't doubt it, but at this moment I can't recall it.

Q. We will go back where we were. The gauleiter in Essen must have been aware, if he was carrying out his duty, of the conditions that that doctor speaks of in the Ravenhorst labor camp?

A. I believe there is a wrong concept of all the gauleiter has to do.

Q. We do have a clear concept of what went on in his district. I will just refer you to a further document on this. Will you look at Document PS 205. That was another decree issued by the Party Chancellery and sent to all Reichsleiters, gauleiters, kreisleiters, and ortsgruppenleiters. And Bormann, sending it out, says, "I request, in the attached copy, that the necessity for a firm but just treatment of foreign workers remain clear to the Party members and the people." Do you remember that circular?

A. In any case, I have read it.

Q. Well, now, read with me again. You will see that there are two paragraphs marked (1) and (2). Then you will see that there is a second paragraph marked (1). It starts off, "Everyone, even the primitive man, has

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a fine perception for justice. Consequently, every unjust treatment must have a very bad effect. Injustices, insults, trickeries, mistreatments, etc., must be discontinued. Punishment by beating is forbidden." Had it been the practice in the past to inflict injustices, insults, trickeries, and mistreatments upon your foreign laborers?

A. We do not believe that that shows anything like that.

Q. If injustices, insults, trickeries, and mistreatments had not been inflicted upon foreign laborers, why was it necessary for Bormann to write around to all gauleiters saying that it must be discontinued?

A. I don't recall, but my assumption is that it is a circular by Sauckel which Bormann is transferring to the Party for information.

Q. Perhaps you will answer my question. I am not asking you what this document is; it is perfectly apparent what it is on the face of it. I am asking you why it should ever be necessary to issue a letter like that if injustices, insults, trickeries, and mistreatments had not been inflicted on your foreign slaves.

A. I do not know what caused the circular.

Q. If the gauleiter, kreisleiter, and ortsgruppenleiter were not the people who were expected to look after them, why should it have been necessary to send it around to all of them throughout the length and breadth of Germany?

A. It was a customary method to make use of Party channels if one did not want to publicize something.

Q. But if injustices, insults, trickeries, and mistreatments were not common practice// in all Germany, why should all Germany get directions that they were to be discontinued?

A. I suggest a representative of the Prosecution hears Sauckel on this point.

Q. You will forgive me if I ask you not to make suggestions for me, but to try to concentrate on my questions. So far, you haven't answered my last

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question.

A. In my opinion, that was the period when Sauckel took over the work.

Q. It might have been the period when Sauckel took over the work. It was the period when you were one of the forty-some gauleiters to whom that circular was addressed, was it not?

A. I was Deputy Gauleiter.

COLONEL GRIFFITH-JONES: No more questions.

CROSS-EXAMINATION
(Cont.)

BY COLONEL KAREV:

With reference to an answer you gave to a question of your attorney, I understood this answer to state that all gauleiters also were Reichs Defense Commissars. Is that true?

A. Yes.

Q. Yesterday you answered a question as follows: "It was my peculiarity to transfer a number of orders and directives which I did not like, not in the way they came to me, or not at all." Could you possibly mention some directives which you did not approve of?

A. For instance, the order pertaining to destruction.

Q. Perhaps another one?

A. The evacuation of the civilian population from the Ruhr.

Q. Did you study "Mein Kampf" thoroughly?

A. Honestly speaking, I did read "Mein Kampf" before the seizure of power.

Q. Why did you show such disrespect toward your Fuehrer?

A. I do not know whether that constitutes disrespect.

Q. You appreciated quite well the basic ideas of Hitler. And did you agree with such ideas as race theories, Jewish persecution, the disregarding of pacts?

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- - - A. It is a matter of course that a gauleiter of the NSDAP did stand by the race principles of the National Socialist Party.

Q. And you approved of ~~it~~ them?

A. Otherwise, I would not have become gauleiter of the NSDAP.

Q. Did you receive Himmler's reports on the political situation in the newly-occupied Eastern territory?

A. No.

Q. Did you ever hear that Himmler did address such reports to the gauleiter?

A. It is completely new to me.

Q. Yesterday you stated that it happened that Goering called on you. You discussed with him the decree of Hitler regarding the treatment of so-called "terror" aviators.

A. At that time there was no question of a Hitler decree.

Q. But you discussed another decree regarding this point?

A. Yes.

Q. The possible "lynch justice"?

A. Yes. Today it is called "lynch justice"! At that time we did not consider it lynch justice, but it was a question of whether police or wehrmacht was to interfere or not.

Q. And Goering told you that he did not approve of it either? Is that correct?

A. Yes.

Q. That is to say, if you did not execute such an order, you might count on Goering's ~~support~~ support?

A. One might say so.

Q. Why did you issue your own orders to your kreisleiters like that?

A. I believe that I have explained that I ~~originally~~ originally intended to

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issue it, but then I thought better of it. May I point out here that the shooting at civilian targets and populations was tremendous at that time.

Q. Why did your own order not mention the fact that it was an order of Hitler?

A. Up to this point I still did not know that it was a decree of the Fuehrer. All I knew about were Goebbels, Bormann, and Himmler.

Q. In this case it doesn't make any difference. The important thing is that the contents of your order showed no reference to any of these. And the population of your gau was to understand it as coming exclusively from you. Is that correct?

A. The population of the gau did not receive that order altogether.

Q. If not the population, then all your Political Leiters?

A. The kreisleiter repeated that for information only. Consequently, no Political Leiters would have heard about it.

COLONEL KAREV: No further questions.

RE-DIRECT EXAMINATION

BY DR. LINK: Q. I shall try my best to finish by five o'clock. Colonel Griffith-Jones has remarked upon the fact that the heading of the outline signed by you reads "The Gauleiter and Reichs Defense Commissar of the Gau." Was it customary in the internal Party communications that an order issued by the Gauleiter and Reichs Defense Commissar, the letter only showed "Reichs Defense Commissar"?

A. It was like this. When I acted as gauleiter, I only had the letterhead, "Gauleiter." The letterhead read "Reichs Defense Commissar." It always was my Deputy Regierungspraditent Eikoff. Only if I, personally, as Reichs Defense Commissar, issued something, I issued it with the letterhead shown here.

Q. The way it is in the Document L 154. Furthermore, it has been pointed out that the Himmler order to the police was to be distributed for information to the gauleiters. And you have started to answer by an unfinished sentence. I do not want to speak for you; that is why I am asking you: Was it customary within the Party to address the Reichs Defense Commissar as Gauleiter?

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A. The words "Reichs Defense Commissar" were not a title, but a characterization of position. The title was gauleiter. This is the way it was with Reichsstatthalter, which was a title.

Q. If I understand you correctly, this is what you said. If a general also was president of a tennis association, the general, in his capacity as president of the tennis association, was customarily addressed as "General." That is the way it was with Gauleiter and Reichs Defense Commissar?

A. That is what I meant to say.

Q. I want to read very briefly the decree of March 13. It is the decree of Hess regarding the parachute jumpers. I would like to show it to you once more. I want to call attention to the first sentence, which gives the reason why the German population should be informed about the possibility of parachuting soldiers. Will you look at Paragraph Two and Three of the enclosure. Out of this context, can you give us an explanation again of what you think the words " to make harmless" mean?

A. I have the impression that the notebooks and cards which are mentioned here were to be received.

MR. TAYLOR: Is there anything more that he can add to this that he didn't say this morning? I think it has been pretty well covered, hasn't it?

DR. LINK: We shall be finished shortly.

A. One wished to stop the parachutists from destroying these things. May I point out that this is the outline of the supreme commander of the Luftwaffe who, until the end, was against the directives which were discussed here?

By Dr. LINK

Q. Do you see the date on this? I have pointed out the first sentence to you. On the basis of those two points, the stamp "Top Secret" was not merely a matter of routine.

A. What you want to say is that it was shortly before the invasion of

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the West by German troops.

Q. Could it possibly be that one wished to keep secret from the German population that enemy aviators could get into the interior of Germany?

A. It may be possible, but it is actually [illegible] a mistake on the part of the competent section.

Q. You stated that it was not the specific task of the Political Leiters to suppress the Church. As a Deputy Gauleiter in Upper Silesia, in Westphalia Sud, do you know anything about how many Political Leiters, particularly hoheitstraeger, not only were members of the Catholic and Protestant Churches, but actually were active in them?

A. It would have been an impossibility for me in the Saarland, which was a part of my gau, to ask people to resign from their church. Consequently, it was that all ortsgruppenleiters x there were members of the church;and I would never have gotten to first base.

Q. One question regarding the two incinerators in Auschwitz. When you saw those two incinerators, did you think about it at all that these two incinerators, compared with the population of the camp, were too large for the normal death cases?

A. The discussion also did not raise any suspicions in me.

Q. How do you know that the decree of Bormann explaining his attitude toward the church in June 1941 was withdrawn the next day?

A. Because I myself received the teletype.

Q. From Bormann himself? He had tox withdraw it? What did it say?

A. Thx It requested the return of the decree and the secret accompanying letter and everything else.

Q. Very briefly, in regard to the question pertaining to foreign labor. The report of the representative of the DAF that in some community camp the rain poured into some barracks. Do you xxxix conclude from this report

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that any Political Leiter may not have fulfilled his duties? Or does it lead you to the conclusion that some Political Leiter wanted to stop this generally not-very-extraordinary situation that it has rained into somewhere?

A. I would like to assume the last.

Q. The circular which summarizes the treatment of foreign labor. Do you know what I am referring to?

A. Yes.

Q. Do you know, about your gau or any other district, that before the issuance of this decree foreign labor was mistreated or beaten or suffered from trickery-- and were these procedures stopped afterwards, or were they not changed at all?

A. I want to say something about this. At first we had prisoners of war. One believed that the Russian prisoners of war were very bad people. One soon found that such was not the case, that they were excellent for employment in the labor field. I do not know, but it is quite possible, that an individual farmer here and there proceeded with measures which were not quite correct. I am now referring to Russian PW's. But afterwards, when civilian labor arrived at a much later time, in my opinion there was no difference in the treatment before and after.

Q. What has all this to do with the Corps of Political Leiters?

A. I don't know.

Q. The question of the Russian Prosecutor elicited the information that you had read the book, "Mein Kampf", and that you approved of the thoughts of Hitler expressed therein, in particular the race question. What was your idea of a practical solution of problems pertaining to race or pertaining to Jews?

A. We wanted to bring about a corresponding ratio in the key positions of the State offices. Later, after the seizure of power, it was discussed that they were to be deported to Madagascar or to the East. That is all that we were told.

Q. Until what time?

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A. Officially, we never heard anything about the extermination of the Jews.

Q. Wasn't there some concept about it, at least?

A. I cannot say exactly whether it was the 24 February 1945--Hitler said between the lines; ~~[illegible]~~ Should we lose the war, those who started the war would not get away with it. That is what I have heard during my entire professional life, but of course today one understands what ~~[illegible]~~ is meant.

Q. In February 1945 you still did not sort~~[illegible]~~ of suspect that, during these ~~[illegible]~~ years, millions of Jews had been exterminated?

A. Counsellor, you talk about millions; but it was only here in the witness house that it actually was a matter of millions of people involved. Up to now I believed it to be propaganda.

Q. As gauleiter, the highest authority in the gau, you had no opportunity ~~[illegible]~~ of finding ~~[illegible]~~ out about these things?

A. It is sad to have to say that today, but the decisive factor missing was that of criticism. Bormann and the gang around Hitler had known how to break off any possible connection with Hitler. In 1938 I had the ~~[illegible]~~ opportunity of having a little longer discussion with him.

MR. TAYLOR: We are not interested in any more personal details.

DR. LINK: No further questions.

(The Commission adjourned at 1700 hours.)

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The foregoing is a true and correct transcript of the testimony of ALBERT HOFFMANN taken on 3 July 1946.

T. J. Noll
REP. 37-51

Mabel A. Lesser
Reporter 1-17

Genevieve Bolo
Reporter 18-36

CERTIFIED TO:

Arnold Cave
Commissioner Lt Col

J Tubinoy.

H1039-0053

H1039-0054

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MAY 1946.

3 July 1946.

COMMISSIONER:

Captain Hoseph Tubridy

POLITICAL LEADERS

(THE COMMISSION CONVENED AT 1000 HOURS.)

ALBERT HOFFMANN, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q. You were sworn in yesterday?

A. Yes.

Q. And you understand you are still under oath?

A. Yes.

DIRECT EXAMINATION -- Continued

BY DR. LINK:

Q. Before adjourning yesterday we finished with the discussion of questions pertaining to Document L-154, except for two questions. How many cases of mistreatments or otherwise wrong treatment of captured allied flyers have you known of within your Gau before the collapse?

A. I have not known of a single case before the capitulation. After the capitulation I heard of one case.

CAPT. TUBRIDY: May I ask where his Gau is?

INTERPRETER: Westphalia South.

Q. On theother hand, as the political leiter of your Gau, do you know of any cases where flyers were treated completely correctly, despite the fact that there were attacks on non-military targets immediately preceding?

CAPT. TUBRIDY: Was this witness informed by any sort of official reports as to treatment of allied flyers?

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DR. LINK: He was the Gauleiter and the supreme authority in the Gau.

CAPT. TUBRIDY: But was there any outstanding order that required that his office be notified?

DR. LINK: I do not believe that there was a specific directive but it would have been a matter of course because he was the Gauleiter.

CAPT. TUBRIDY: You mean the Gauleiter had that much influence in the Gau?

DR. LINK: In the normal course of events the Gauleiter would have been informed of such matters.

COLONEL GRIFFITH JONES: Sir, it is proposed that Dr. Link allow the witness to give the answers.

DR. LINK: I have asked him.

COLONEL ORLOV: He also was Reichs Defense Commissioner.

BY DR. LINK:

Q. Counsellor, you have misunderstood me. It was not that I was informed by the police of the Luftwaffe regarding either killed or mistreated flyers. It would have been a voluntary act on the part of the Kreisleiter to inform me. The counsellor is correct in saying that I would have heard of them eventually but not by official channels.

Q. This is enough for me. I do not wish to go into this question any further. Regarding this complete group of questions I want to ask you whether you agree with me if the following statements are correct.

CAPT. TUBRIDY: Just a minute. This is direct examination, isn't it?

DR. LINK: Yes sir.

CAPT TUBRIDY: Let us not have the counsel testify by having the witness answer yes or no to questions.

DR. LINK: I was informed that it was Colonel Heave's desire that at the end of a certain series of question the defense attorney once more summarize what was testified to.

CAPT TUBRIDY: Well I think we could dispense with that because it would be covering the same material again.

COL. NEAVE: We decided against it, Dr. Link, at one of the recent meetings of the defense counsels.

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DR. LINK: We shall omit it [illegible].

BY DR. LINK:

Q. You stated yesterday that there was a great difference between your duties as a Gauleiter and your duties as a Reichs Defense Commissar. Will you please elucidate your attitude and the practical measures you took in order to separate your State functions from your Party functions?

A. My basic attitude was that I believed that the leadership of people and the executive had to be separate. Like a red thread this basic attitude showed up in my entire activity. As Reichs Defense Commissar I took great care to see to it that the functions of the Kreisleiter did not influence those of the Landräte and vice versa, that the activities of the Landräte did not interfere with those of the Kreisleiter. Furthermore, in my Gau I saw to a clear cut separation between the local mayors and the Ortgruppenleiter. I also strove to have a clear cut separation in the officers of the Party although the personnel difficulties, particularly in war time, were very great. I admit that I found this difficult with quite a few of my co-workers. The actual leadership of men is considerably more difficult than administrative work. That is why leaders of men must be selected by character very carefullly.

Q. Now several details pertinent to some points made by the Prosecution and their charges. Will you please tell us of the attitude taken by yourself and by your officials and the nasis of your directives towards the struggle against the church.

A. When in 1943 I became Gauleiter, or rather took over the leadership of the Gau Westphalia, one of my first directives stated that I did not wish to hear of any church political arguments. It is a matter of course that I, as a Gauleiter of the NSDAP, believed in God. I am, in philosophical terminology, a pantheist but one cannot care for the souls of the people with pantheism. Consequently I rejected taking away from the people something which they believed they were in need of.

Q. What was the practical effect of that attitude in your Gau?

A. I had no difficulties with the Catholics and I had no difficulties

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with the Protestant Church. In order that I may give you an example .....

CAPT. TUBRIDY: I think we can eliminate any detailed examples.

DR. LINK: It seems necessary to me, in order to determine how far the attitude of the Gauleiter has had an effect on the practical side.

CAPT. TUBRIDY: Does the counselor think this is going to have any great weight, merely one little detail between a Gauleiter and his archbishop?

DR. LINK: I do not know the example which the witness wishes to speak of but it may be possible that such an example may illuminate the whole situation of the relationship of Gau with the Church.

CAPT. TUBRIDY: No, I think we can dispecse with these detailed examples. It really doesn't add a great deal to it.

DR. LINK: May I point out, Mr. Commissioner, that the Prosecution a few days ago had a Kreisleiter from tell of an example of an individual case pertaining to the church hostile attitude of some Ortsgruppenleiter in an entirely different Gau, hundreds of kilometers distant? I do not wish to do the same. I want to do something entirely different. I do not wish to ask the Gauleiter of Westphalia regarding the attitude toward the church in Pomerania or Upper Bavaria. I want .....

CAPT. TUBRIDY: Let us eliminate the speeches, please. Go ahead, please, and have the witness make it brief.

BY DR. LINK:

A. After heavy bombing attacks I have decorated a number of so-called bomb fighters. Among them there were a great number of Protestant and Catholic sisters. The decorations were given out on two occasions publicly. The Archbishop approached me, asking me to concel a directive from the Reich according to which, after an air alarm Church was not permitted to start before 11 o'clock the next morning. Against the Reich directive I agreed to the Archbishop's wish and beyond that I initiated cancellation of the directive of the Reich. Those are the two example which I wished to give.

Q. Do you recall the Jewish boycott in 1933?

A. Yes

Q. What was your position at that time?

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A. At that time I was a Kreisamtsleiter in Bremen.

Q. Was that an action which was executed by the political leiters of the Kreis of which at that time you were a part, at the directive of a higher authority?

A. I really cannot say that exactly. I believe that the Amt für Handel und Handwerk, which is to say the Office for was very much interested in that question at that time. The Jewish question never played any large part in Bremen since there were only a few Jews there.

Q. But the Stuermer probably also has been read in Bremen?

A. Yes, the Stuermer also was "distributed" in Bremen. The method of distribution used by the Stuermer was open to attacks. I very strongly objected at that time to the distribution methods applied by Streicher.

Q. What was the success?

A. I prohibited the political leiter from distributing the Stuermer. When I was called into the Staff of the Deputy of the Fuehrer I made it my special business to see that the Stuermer would not be considered a party political publication.

Q. What was your position in November 1938?

A. I believe I stated previously that at that time I was referent on the Staff of the Deputy of the Fuehrer.

Q. You know that in connection with a protest meeting, excesses took place on the 9th of November. In your position on the Staff of the Deputy of the Fuehrer, what did you know about the planning, execution and participation in this action?

A. As far as I myself am concerned I can declare under oath that I did not take part that evening in the Protest Meeting. The next morning I went to the city to the Fuehrerbau .....

COLONEL GRIFFITH-JONES: Sir, with respect, the personal experience of this witness on the night of the demonstration and the following morning is wholly irrelevant and cannot in any way assist the Tribunal in deciding the criminality of the Corps as a whole. I hesitate to interrupt because these interruptions invariably take longer to sort out the argument than it is to let the witness go on, but the Tribunal have laid down very clear rules as to what evidence is to be heard and as each witness now takes his stand the evidence is becoming less and less relevant and farther and farther outside any concentrated scope of these rules.

CAPTAIN TUBRIY: Dr. Link, could you please have the witness confine his testimony to the general situation as it has a bearing upon the issues of the case here, and eliminate personal details as to what he did nor did not do.

DR. LINK: Yes, Sir.

BY DR. LINK:

Q. I repeat my questionL In your position as Referent on the Staff of the Deputy of the Fuehrer what did you know about the planning of these excesses on the part of political leaders ?

A. Previous to the 9th of Nov... I knew nothing at all. The next morning I heard that during the preceding evening and night there was a big row on the Ober Salzberg and the Leiter-in-Chief, Friedrichs, had been ordered to telephone to all Gauleiters and to direct them not to do anything

Q. On the basis of your position would you have had to be informed if such an action would have been prepared by the political leiter on the Staff of the Deputy of the Fuehrer ?

A. Of course I would have known about that before.

Q. On the basis of your position were you able to find out afterwards whether the Corps of Political Leiter had executed this action.

A. I found out nothing like that.

H1039-0059

H1039-0060

Q. How many concentration camps were located in your Gau Westphalia South?

A. There were no concentration camps.

Q. You mean you did not know of any ?

A. In my capacity as Gauleiter and as Reichs Defense Commissar, I would have had to know whether or not there was a concentration camp located in my Gau.

Q. Were the people who were thrown into concentration camps from the Gau Westphalia South put in concentration camps located outside this Gau ?

A. I do not know what happened before I took office. I do not know of a single case of anyone being thrown into a concentration camp during my term of office.

Q. You will insist on your statement that from Spring 1943 up to the time of the collapse you neither caused anyone to be thrwon into a concentration camp nor did anyone report to you regarding anyone transferred to a concentration camp ?

A. In my capacity as Gauleiter and Reichs Defense Commissar I was not informed of anything nor do I know of anything like that. Of course, it is possible that the STAPO did something independently. I don't know anything about that because the officers were not subordinate to me.

Q. In your Gau what happened to people who criticized the measures of the State Authorities ?

A. You mean when a pro-national criticized ? I myself asked the population not once but several times, and publicly, to exercise criticism. Of course I wanted positive criticism and not negative criticism. For this purpose I created a Board in order that I might listen to criticism, the so-called Gaufuhrungsrat, which was a Gau Leadership Council.

Q. Did you know of any other concentration camps in other Gaus ?

A. In 1936 or 1937, I do not exactly recall the date, I was in Dachau near Munich, and once, at the beginning of my activity, I accompanied Reichsfuehrer SS Himmler on a visit to Auschwitz.

Q. Did your visits give you an occasion to find out about the shelter, food and treatment of prisoners ?

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CAPTAIN TUBRIDY: I think there is sufficient testimony without this witness continuing.

DR. LINK: May I ask whether these statements touch upon the organization of Political Leaders ?

CAPTAIN TUBRIDY: Anything which has been put before the Tribunal will be considered in that connection.

DR. LINK: Yes, in general, Mr. Commissioner, but the point here is whether the Corps of Political Leaders was aware of the situation in the concentration camps and whether they had exercised any influence or whether they could have had any influence on it.

CAPTAIN TUBRIDY: What has that goto do with the last question you asked the witness ?

DR. LINK: The witness was a ghigh Political Leader and I want to prove by him that even the high political leaders were ignorant of the concentration camp situation -it does not do me any good if a high police official, or Minister of the State, or SS leader declares that he did not know anything about it. This is a charge brought against this organization.

CAPTAIN TUBRIDY: The last question you asked the witness was about conditions in the concentration camp and you tell me by that you are attempting to prove he did not know what was going on in the concentration camps.

DR. LINK: That is my intention but I do not have the answer and I do not know what the answer will be.

CAPTAIN TUBRIDY: Very well, proceed.

BY DR, LINK:

A. I am under oath here and I can consequently testify only to what I know positively.

Q. In 1941 you were in Auschwitz ?

A. Yes, I was in Auschwitz in 1941.

Q. Did you see there any incinerators for the purpose of burning hundreds of thousands of corpses ?

A. Two new incinerators had been newly constructed in Auschwitz.

Q. Did the camp commander or anyone else tell you to what extent these furnaces were put to use ?

A. I was in the suite of the Reichsfuehrer-SS. Consequently it was the Reichsfuehrer-SS who asked the questions, not myself. I learned from the discussion that the purpose of the incinerators was to burn those who had died in the normal course of events, something which I thought to be an exceedingly hygienic measure. Besides I saw seven urns and I tehan heard that these seven urns were sent to the family members. That is all I heard about the incinerators in concentration camps.

Q. During your visit in Dachau and Auschwitz did you notice anything which seemed to you a transgression of the ordinary human decencies or which in any other way seemed to be remarkable to you ?

A. I myself noticed nothing.

Q. Did you visit these camps Dachau and Auschwitz in some official capacity in the execution of your duties as political leiter ?

A. The visit to Dachau took place at the request of the at that time Stabsleiter of the Deputy of the Fuerher, Bormann, because he wanted his co-workers to see a concentration camp and his co-workers had asked for such a chance. As I stated before, I visited Auschwitz in the suite of the Reichsfuehrer-SS. The concentration camps were not subordinate to us. If we ourselves wanted to make a visit there, which I did not want, we had to apply to the Reichsfuehrer-SS for a permit.

Q. Will you please say something very briefly regarding the situation of foreign labor in your Gau ?

A. The only thing I can say is that we did everything in our power to make the situation as godd as possiblefor foreign labor. I had directed the Gaufuhrungsrat, which I mentioned before, to inspect the food situation of the Russian workers. The Gaufuhrungsrat, and, within the Gaufuhrungsrat, the Chamber : Social Policies, found the following result : An increase of calories would also increase the efficiency of the production of the Russian workers. The Reichs Food Ministry having consented to it, a test was made on 10,000 workers in my Gau.

H1039-0062

This test proved the correctness of the statements made by the Chamber : Social Policies within my Gaufuhrungsrat and the number of calories was substantially increased.

Q. Of how many cases of mistreatment or mal-treatment of foreign labor were you informed in your capacity as Gaulciter, or have you heard of any in your capacity as Gauleiter ?

A. I do not know of any casebut that does not say it could not have happened. In any case we paid special attention, and this is true particularly of the German Labor Front with their representatives, to seeing that these people were treated well because essentially their output depended on the treatment.

Q. Is it ture that with the increase of bombing attacks you received an ever increasing number of complaints stating that these foreigners were better off in diverse directions than the indigenous population?

A. I can only say that Industry sawto it that their darlings, and they were the darlings because of the mass of labor which was required, would be treated well and fed well. Consequently I consented silently that the Industry could buy on the black market but not on the black market of Germany but on the black market in Holland. I want to say by this that these people were fed much much better than the population itself.

Q. I don't want to ask you about it any more. Do I understand you to say that primarily the German Labor Front was a competent authority ?

A. The German Labor Front was a competent authority for the foreign labor as far as care and relief of these people were concerned.

Q. I have a special witness for that and I shall no longer deal with this matter here. The Prosecution charges the Political Leaders with participation in the activities of the so-called Einsatzstab Rosenberg, What significance has this name for you ?

H1039-0063

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A After reading the trial brief I recalled that I ran across such a man in Kiev who showed me a Russian painting exhibit. I only heard anything else about the Einsatzstab Rosenberg after my internment.

Q Do you wish to say that the Political Leiter in your Gau, Westphalia South, never received any directives pertaining to these matters?

A As far as I know the Einsatzstab Rosenberg was active in foreign countries. How could my political leiters have had any knowledge of it?

Q I only assume that if some high political office would have written saying "We need political leiters for the Einsatzstab Rosenberg" that you would have had to be informed of it or would have known of it in your capacity as Gauleiter.

A That is, per se, a matter concerning the personnel chief but I am not sure that anyone was required.

Q Witness, when did you come to the realization that Germany was no longer in a position to win this second world war?

CAPTAIN TUBRIDY: What possible difference can it make what his opinion was?

DR. LINK: The witness was Gauleiter and Reichs Defense Commissar, and as such had a wide horizon. The Prosecution charges the organization of political leiters with being united in a conspiracy, down to the last blockleiter, in order to commit crimes in the different manners in order that there would not be a peace and in order to destroy everything. Now if a man in his position can be heard on his view on the war situation in his capacity as Gauleiter and Reichs Defense Commissar, then I hope it will give the Court a view of the lower ranks of the organization of political leiters.

CAPTAIN TUBRIDY: You mean you expect other people to have the same opinion, you expect it to be assumed that other people have the same opinion that he does?

H1039-0065

DR. LINK: If, which is something I do not know, but IF the Gauleiter and Reichs Defense Commissar only realized shortly before the collapse that the war could not be won because Hitler, Goebbels and company deceived him just like they deceived others, the International Military Tribunal will be able to draw its conclusions regarding the capacity of understanding and knowledge of the Block Leiter, the Ortsgruppenleiter, and so on.

CAPTAIN TUBRIDY: Perhaps you know what you are trying to prove but I don't see the relevancy of the question and I think you are making some long assumptions.

DR. LINK: May I make it brief, sir:

CAPTAIN TUBRIDY: I wish you would.

BY DR. LINK:

Q Will you be brief, witness. Did you take seriously the ever-recurring assurances of peace by the Fuehrer before the seizure of power and afterwards?

A Of course.

Q During war time were you in a position to get together with the highest leaders and there to receive assurances in respect to the victorious outcome of the war?

A When I first experienced some scruples I telephoned Minister Goebbels and I asked him to call on me. He called on me and I submitted my scruples to him. During his visit he attempted to show me that the foreign policies would have to be changed and he knew how to convince me that a turn one way or the other in the direction of foreign policy and by elimination of the Reichs Minister for Foreign Affairs the situation of the German people was thoroughly favorable. We were in the Party Chancellory until the 24th of February 1945. Adolf Hitler explained to us in a small circle that he hoped to bring about peace by fall. Dr. Ley called on me about the middle of March. May I use notes in order to repeat literally what Dr. Ley told me?

CAPTAIN TUBRIDY: We prefer you not to.

H1039-0066

WITNESS: I cannot quote literally.

CAPTAIN TUBRIDY: State substantially what he said.

WITNESS: It is one phrase - one sentence.

CAPTAIN TUBRIDY: Can you state substantially what he said?

A Dr. Ley told me that he had called on the Fuehrer, that he had been received briefly and that the Fuehrer had said, approximately, " Ley, I still have something but I know you cannot keep your mouth shut. That is why I have to keep it to myself." Of course I cannot say whether those were the actual words spoken by the Fuehrer or whether it was Dr. Ley's imagination. But I must say honestly today, sorry as I am, that as late as the 30th of April I believed in the miracle weapons and in good faith I caused my population of the Gau Westphalia South to keep going.

Q When you finally realized that all this was fraud and deceit there arrived the destruction directive of the Fuehrer. Did you also take the attitude that everything should go down in a terrible chaos or did you try to save what might be saved, if necessary against the orders of the Fuehrer?

A I must correct you to the effect that the actual connections I have heard about only in the witness building. Regardless the orders to destroy, I specifically countermanded these orders but I did not leave it like that. I sent my Staff Office Chief to Reichsleiter Bormann and I informed him of my views and he went to discuss the closest details. Staff Office Chief Struwe was ordered to execute the order. Nevertheless I did not execute it. When Reichs Minister Speer came to me on the next day I explained to him why I found it impossible to follow this order. Reich Minister Speer asked permission to submit my directives to the Fuehrer. He did so and the Tribunal knows that the ultimatum was withdrawn. The same thing was true of the order for evacuation. I could not put my people out on the street during the bombing attacks, which were ordinary occurrences in our place; there would have been thousands of dead. I declared

to Reichsleiter Bormann who telephoned me because of that that I could not possibly execute that order. Reichsleiter Bormann stated on the telephone that it would be my guilt if the enemy advanced in the West.

COLONEL GRIFFITH-JONES: Which is all wholly irrelevant again. It is an absolute sheer waste of time, if I may say so, with the greatest possible respect.

DR. LINK: I am just about finished with the witness.

Q You did not execute it?

A No.

Q One last question. In November 1938 did you personally report to Adolf Hitler? This was after the incorporation of the Sudetens into German territory after the Munich Pact. Will you please tell the Court in two sentences the statements of the Fuehrer regarding his peace intentions or aggressive warfare?

A I cannot state that in two sentences, it is a longer discussion. I can only say that the conversation gave me the impression that war was to be avoided at all costs.

DR. LINK: I have no further question.

(A recess was taken.)

(The hearing reconvened at 1130 hours after a ten minute recess.)

(Albert Hoffman - Resumed)

(Cross Examination - Continued)

COMMISSIONER:

Captain Tubridy.

BY COLONEL JONES:

Q I want to ask you first of all about Document 154, which is an order which bears your name, dated 25 February 1945. Do I understand correctly that your suggestion is that the order was issued by your Chief of Staff - without your authority?

A The Chief of Staff submitted it to me in an outline.

Q You told us, as I understand, your description of the events that took place. What I am not clear about is your

suggestion of those events. Are you suggesting your Chief of Staff issued this order without your authority?

A I believe that even the Stabsamtleiter did not know that the order slipped out.

Q But in your Gau organization was it a frequent occurrence that orders slipped out by mistake?

A At that time there was no night or day pause. One could no longer speak of an orderly organization.

Q Perhaps you will answer my question. Did you find that orders were frequently slipping out without the knowledge of the Chief of Staff?

A I cannot say so because I had no control over it.

Q Do you know of any orders that slipped out?

A At this moment, no.

Q Your Gauleitung was not the only organization under considerable stress at that time, was it?

A No, of course not.

Q You think orders were slipping out from all other Gaus and organizations that were under distress in 1943?

A It might have been possible that it happened somewhere else also.

Q That order - as I understand it - was in complete contradiction to the policy and the views that you maintained up to that time?

A Yes, sir.

Q And I imagine that your Kreisleiters were fully aware of that policy, and those views?

A Yes, sir.

Q So that when the Kreisleiters received this order they must have, to say the least, been surprised?

A The order here inserted in the record in my opinion was not issued.

Q But you are not suggesting, are you, that the Kreisleiter never received this order?

H1039-0069

A. I can only say, and I here refer to a statement I was not permitted to make yesterday, that those Kreisleiters whom I was in a position to ask about it, had not received that order.

Q. But I understood that your explanation on this order was that it had been sent over the telephone from your command post, and that his document that we have is the document that was taken down at the Kreisleiter's end?

A. Yes, sir, that is a receipt.

Q. So that the order reached the Kreisleiters?

A. The Kreisleiter probably had received the order which is shown by this receipt of message.

Q. This order when it was received by your Kreisleiter must have come to them as a very great surprise in view of your previous know policy?

A. Yes, of course, but the Kreisleiter wasin no position to know whether that was transfer of an order of the Feuhrer or whatever else it was.

Q. Would it be over-stating it to say that it must have been nnt only a surprise but a great shock to them to have received an order of this kind?

A. That is going too far, because they were made aware of the view of the Reich government by the publication of the Goebbels order.

Q. Very well. We will accept it, that they must have been surprised. Now, are you telling us that not one of your Kreisleiters ever discussed this surprising order with you subsequently?

A. I believe that the representative of the prosecution cannot imagine the situation which prevailed at that time.

Q. Perhaps you can answer my question first of all. Are you telling us that not one of your Kreisleiters mentioned this surprising order to you at any time afterwards?

A. It has not been found out how many Kreisleiters received that order all together.

Q. But you tell us, as I understand, that you yourself did not discover this order slipped out until after your imprisonment in a prison camp?

A. Yes.

Q. Then are you telling us, and I ask you again, that not one of your

Kreisleiters ever discussed this sur rising order with you between February 1945 to the end of the war?

A. If I have heard about the .ipping out of this order only in an interment camp, no Kreisleiter coul' have discussed this matter with me previously.

Q. Are you suggesting also tha t some of your Kreisleiters never received this order?

A. No, of course, I do not want to s tate that.

Q. I just want to ask about an ther one -- in connection with it. You told us that when your Chief of Staf submitted the original draft you re-drafted it and eliminated all mention of the Party?

A. Yes, sir

Q. What was theobject of doin that?

A. My suhstantial position was that the Party was not to be burdened by the executive.

Q. How could you eliminate all mention of the Part when an order was issued by you?

A. What do you mean by that?

Q. If the order is issued by the Gauleiter how can you eliminate all connection with the Party?

A. I was two things: Lauleiter and Reichleiter -- the Defense Commissioner.

Q. But the document itself has on it -- Gauleiter .... It mentions both your capacities.

A. I had the title of Gauleiter, and besides that I was active in the position of a Gauleiter -- which are two diffenent things.

Q. You are sending it to your Kreisleiter.

A. Only for information as it was cus tomary with State issued directives.

Q. But it was customary, was it, to send it to your Kreisleiters because they were people who had to assist or participate in the carrying out of orders of that kind.

H1039-0071

A. No, sir.

Q. What was your object in sending it?

A. The Kreisleiters were informed regarding all political events and things interesting to them in one form or the other.

Q. Was it not the intent in sending it -- so that they should not interfere in the event of these persons being attacked by the people?

A. No, sir.

Q. I will turn to another aspect of it.

In March 1940 you were referent in Hess' place?

A. Yes, sir.

Q. Do you remember an order -- an order here giving date of March 13, 1940, signed by Hess himself, which inclosed a directive about the behavior of the people in case of landings of enemy planes or parachutters?

A. I cannot recall such an order, in the year 1940.

Q. I can get the document for you if necess ary, but let me try to remind you by reading it to you ... (starts reading the document)

DR. LINK:

May I have the number, please?

COL. GRIFFITH JONES:

Why yes, certainly, excuse me. The number is PS-026. U.S.696.

(... continuing) The directive laid down certain orders as to the arrest regarding planes and it concluded by saying, "Likewise enemy parachutters are immediately to be arrested or rendered harmless." Do you remember that?

A. I want to say that in my position as referent I was in charge of personnel, social, political and organization questions. I did not work on these matters, and consequently I do not know.

Q. You never heard of it while you were on the staff?

A. I cannot, at least, recall it.

Q. Well now, that document was sent out by Hess to Gauleiters with instructions that it was to be disseminated only to Kreisleiters, Orts-gruppenleiters, Zellenleiters and Blockleiters. Transmission by official orders, posters, press or radio prohibited. It was marked "Top Secret."

H1039-0072

It was stated that it was a State secret in the sense of paragraph 88 of the Reich Criminal Code., It was to be passed on only personally or upon personal written request, in two envelopes against receipt certificates to be obtained. Transmission was only to be through courier or trusted person; multiple of any kind was prohibited; and the recipient was made responsible for its safe keeping, and it was said that violation of that would result in serious punishment.

Now, in view of that quite exceptional secrecy, would you agree with me that there can be only one interpretation to the words "rendered harmless" ?

A. No.

Q. What else could it mean?

A. Rendered harmless may easily be understood -- as to be disarmed, so that he is not harmful to the civilian population.

Q. What would be the purpose of making the document so secret if it was to mean that the person was only to be disarmed?

A. I have already stated that I do not know the document, that I have not worked on this matter. After what the representative of the prosecution submits, it seems to have been handled by the M.O.B. Department.

Q. What is that?

A. This M.O.B. Department had the habit of putting their stamp on any unimportant document.

COLONEL GRIFFITH JONES:

(... to the Commissioner)... I do not have the document here. I wonder whether we might adjourn a moment until I can get the document?

THE COMMISSIONER:

Yes, do

* * * * * * * *

COL. GRIFFITH JONES:

(Hands the document to the witness).

Now, if you will look at that document -- and, first of all, if you will read the Hess letter. Would

H1039-0073

you tell me whether there is anything in the letter itself which justifies those security directions? Just look at the letter itself, first of all. (And the witness looks and ponders). Is there anything in the letter itself which warrants all those directions as to its secrecy?

A. (The witness just ponders...)

Q. We will deal with the inclosure in a moment. But is there anything in the letter that would indicate or justify this secrecy?

A. Obviously, it is like I stated before. It is a directive emanating from the M.O.B. Section, and the M.O.B. Department always put its stamp on it to make it top secret matter.

Q. The M.O.B. Section?

A. The M.O.B. (Mobilization Section) - it was in charge of such matters it had to secure personnel for the Party during war time.

Q. But this comes from the Deputy of the Fuhrer. There is no mention at all of M.O.B. oh it.

A. No, but my experience tells me that it falls within the competency of the M.O.B.

Q. Will you say that any section or dpeartment in Germany is going to make top secret any document they send out?

A. No. But the M.O.B. Section was a new section which was a war necessity, and they were in the habit of covering themselves with a veil of secrecy. They were the only ones who had such a stamp.

Q. So you explanation is that this document is marked secret because that particular department marked all the documents they issued in the same way?

A. Yes.

Q. Irrespective of the subject matter?

A. At that time we made fun of it.

Q. Will you agree with me that there is nothing either in the letter itself or in the direction other than paragraph 4 which would justify any secrecy at all?

A. I would not have issued it stamped secret.

H1039-0074

Q. There is nothing, is there, in paragraph 4 that would justify secrecy unless it be interpreted in the way I suggest?

A. I cannot agree with the interpretation of the representative of the prosecution.

Q. Perhaps you will answer my question. There is nothing in paragraph 4 which would justify secrecy unless you interpret it in the way that I suggest?

A. Point 5 in my opinion says merely that it is merely a matter of arresting these people.

Q. Perhaps you will answer my question. I will ask it for the last time. You see, the transcript will be read by the Tribunal, and if you repeatedly refuse to answer my question they will, no doubt, observe the fact and draw their conclusion. There is nothing, is there, in paragraph 4 which would justify secrecy unless you interpret it in the way which I suggest?

A. I cannot answer the question from the way I have already answered it before.

Q. Let me point out to you that you have not answered it at all.

A. I have said that I see nothing secret in paragraph 4.

Q. Now, that was in 1940. And you will observe, will you not, that that goes to all grades of Hoheitstraegers including Zellenleiteiters and Blockleiters?

A. Yes sir.

Q. And it also goes to the Reich organizations leiter?

A. Yes.

Q. .....And the Reichpropagandaleiter?

A. Yes.

Q. .....And the Reichsstudentenleiters?

A. No. Reichsstudentfuhrer.

Q. .....And to the SS Gruppenfuhrer Heydrich? Heydrich, of course, was Himmler's number one?

A. He was chief of the Security Police.

Q. Under Himmler?

A. Yes.

H1039-0075

3 July-3A-AOW-Biolsi.

Q. Do you know that in August 1943 Himmler was issuing an order which reads as follows: (Referring to R-110; US-333) "It is not the task of the police to interfere in clashes between Germans and English and American flyers who are held up."

A. I have answered positive to this question, yes sir.

Q. And that order was issued or circulated verbally to Gaulieters?

A. I received it in my capacity as Reich Defense Commissioner.

Q. I am not interested in what capacity you happened to be active at the moment this document was shown to you. You know, do you not, that that letter was in fact -- or that Himmler requested that that letter should be circulated verbally to Gaulieters, not to Reich Defense Commissioners?

A. I have heard of that only here.

Q. It is an extraordinary thing, isn't it, that Himmler issuing that order to Gaulieters and the order is idential with the one that Hess, or the one I suggest, Hess was issuing orders to Heydrich?

A. Tha airborne situation in 1940 differed considerably from that in 1943.

Q. I will ignore the fact that that is not an answer to my question. Can you tell me why Himmler should have been requesting that that order should be circulated to Gaulieters?

A. I believe it was customary to address the Reich Defense Commissioners by their titles and not by their designation of position.

Q. I don't understand what you mean. Perhaps you do not understand what I mean either.

hy did Himmler request that that order be circulated to Gaulieters?

A. Probably because, as in the case of other State directives, so that the Gaulieters might be informed.

Q. Wasn't it in order that the Gaulieters should insist on seeing that the instructions should be carried out?

A. Gaulieters had no authority to order the police.

Q. But the Gaulieters could make it quite difficult, couldn't they?

A. Yes, I believe that the order to the Gaulieter is greatly exaggerated as far as Sector Himmler is concerned.

H1039-0076

Q. If the Gaulieter would have even have done anything about it at all, then why send the letter to him if it was no concern if his?

A. We received in exactly the same manner, State directives of an entirely different kind, too.

Q. Did you personally receive that order as a Gaulieter?

A. Yes sir, I received it.

Q. Did you approve of it?

A. I stated yesterday that I did not approve of the order.

Q. Did you protest?

A. I did not protest at the top. I had nothing to protest.

Q. Do you know any Gaulieter that protested?

A. I did not discuss this with other Gaulieters.

Q. Your Gaulieters never discussed these order which were circulated to you?

A. Gaulieter's meeting meant listening to pertinent lectures, not as one might believe, discussions.

Q. You surely had conversations with your colleagues at Gaulieters' meetings. Or was everything so secret that you did not dare to talk about it?

A. No. This order would not be considered a risk to discuss it with any other Gaulieter.

Q. An order for murder, was that so usual that one would not even discuss it?

A. I do not believe this to be an order for murder.

Q. Well now, that was August 1943. You know the Party Chancery were issuing another order in May 1944.

A. I answered yes to that question yesterday.

Q. Document PS-057; US 329. That order sets up, first of all, certain allegations about British and American flyers shooting up civilians. It concludes by saying that no police measure or criminal proceedings to go to those who participated in these incidents. And the incidents which it says happened were that the airmen who made forced landings were lynshed. Do you think that that order slipped out of

H1039-0077

Bormann's office by mistake?

A. No.

Q. You called that an order which is in effect an order for murder?

A. I stated yesterday that I disapproved of this order.

Q. Did you discuss that order at your Gaulieters' meetings?

A. The theme was the contents of a discussion with Goering.

Q. So you did discuss that one.

A. Yes sir.

Q. So that that order was issued to Gaulieters, Verbaendefuhrers and Kreisleiters?

A. I should think it was also for the informaton of the Party offices.

Q. What was the object of sending that information?

A. Probably the complaint of the populations were transferred by way of Party channels.

H1039-0078

Q. This order went also verbally to Ortsgruppenleiters?

A. As I recall, the Ortsgruppenleiters were to be informed.

Q. What was the object of sending a letter like that around to all Ortsgruppenleiters?

A. Probably the one I just mentioned.

Q. I don't for the moment -- forgive me -- I don't see a reason for sending this letter out.

A. The complaints of the population went by way of Ortsgruppenleiters, Kreisleiters and Gauleiters up to the leiter of the Party Chancery. From there they would be submitted to the w..

Q. What has that got to do with sending around this order in a circular about "peoples' justice", which, in effect, says that airmen should be lynched or allowed to be lynched?

A. Is not punishable, yes.

Q. What is the object of sending the circular around?

A. I do not know because I cannot judge that -- because I did not issue the circular.

Q. Let me suggest it to you. Isn't it because Gauleiters, Kreisleiters, Ortsgruppenleiters -- because the complaints of the population went through those channels?

Isn't it also because it is through those persons that the Kreisleiters, Gauleiters and Ortsgruppenleiters had contact with the people, and could incite them to lynch enemy airmen?

DR. LINK:

May I interrupt for a moment.

May I point out that the witness for some time has been asked the possible motive of a circular which he has neither issued nor has he participated in the issuance of it. He has not acted according to these orders because he did not think them right. And in respect to which he has already stated that he does not know why this circular was issued by Bormann or one of his aides, or why it was circulated in the way that it seems to have been circulated. At this time the High Tribunal hears the witness Weikenhorst, one of the main

H1039-0079

co-workers of Bormann, and the witness Klopfer has been heard already, also a co-worker of Bormann.....

THE COMMISSIONER:

I wish you would shorten your statement when you make an objection. We are not interested in long explanations. I just like to call your attention to the fact that this is a cross examination. And he is trying to find out j st how much the witness does know. Please be seated, and let's go on.

COL. GRIFFITH JONES:

Q. Might it not be that it is the Gauleiters, Kreisleiters, and Ortsgruppenleiters which are in a position to incite, if necessary, or encourage the people to lynch airmen. It is those people, you tell us, that received the complaints of thepeople. You don't think it might help them in dealing with those complaints, to be able to say -- "Well,why don't you lynch the next airmen that comes"?

A. That is a matter of opinion.

Q. Well, now, that was in May 1944. Some nine or ten months later your own order slips out of your office. Are you seriously telling us that you, as Gauleiter, are not carrying out the orders that Bormann expected to be carried out when he sent around that circular?

A. I can prove that there were several emanating from Bormann which I did not execute.

Q. Just listen to what it says in the order which bears your name: Fighter Bomber pilots who are shot down are, on principle, not to be protected against the indignation of the people. I expect from all police offices that they will refuse to lend protection to these gangster types.

Isn't that exactly what might be expected of Gauleiters to write if he had received Bormann's letter of May 1945?

A. There was not only Bormann's circular, but also the article by Goebbels.

Q. Aren't you carrying out as a Gauleiter exactly what all Gauleiters were meant to do. Are you not doing what all Gauleiters were meant to do. Issuing orders for murder, aren't you?

H1039-0080

A. I stated yesterday that I have stopped that order.

Q. Don't you think that it is a remarkable coincidence, that after all those orders you received, and the speech of Goebbels was made, this direction which bears your name, should just happen to slip out without your authority?

A. I have not doubted the fact that the outline of the order was submitted to me.

Q. But it is an extraordinary thing that the order should have slipped out without your authority when it is preceded by three know directives, and a speech by Goebbels. Isn't it a remarkable thing that it should then have just happened to go out of your office without your authorization?

A. I can only say that the facts as I described them yesterday are tru facts.

Q. Then there follows the extraordinary thing, surprising as that order was, that none of your Kreisleiters ever mentioned it to you.

A. (No answer)

THE COMMISSIONER:

Let us adjourn now until two o'clock.

* * * * * * *

H1039-0081

CAPTAIN TURNEY: Please remind the witness that he is still under oath (Witness is reminded)/

BY COLONEL GRIFFITH-JONES;

Q. Did you say this morning that "I, as a gauleiter, as a matter of course believed in God "?

A. Yes. There were a number of gauleiters who were not believers in God.

Q. The definite policy of the Nazi party was to suppress the influence of churches as much as possible, was it not ?

A. I should like to formulate it differently : To bring about a separation of Church and State.

Q. Very well, for the moment we will accept it that way. It was the gauleiters-- the hoheitstraeger generally, that were to be the means of carrying that policy into effect ?

A. That, per se, was a task of the Reichs Church Minister.

Q. It was also a recognised taks of the Corps of Political Leaders, too ?

A. Of course, I must make the remark that the State based its policies on those of the National Socialist Party. The national Socialist Party had the political principles of separation of State and Church.

Q. And it was the task of the political Leiters to put into effect the Party policies ?

A. Yes, Party policies; yes.

Q. Did you, in 1931, become Deputy Gauleiter of Upper Silesia ?

A. Yes.

Q. Do you remember a secret order or circular being issued by Bormann to all gauleiters in June 1941 ?

A. May I ask for the contents of this ?

Q. I refer to document D 75. I can't give the code number of it at the moment. I'll just quote one or two extracts for you, which will show you the gist of the document. It starts off by saying. "National Socialism and Christain concepts are irreconcilable." Then, I quote again, "Our National Socialist ideology is far leftier than the concepts of Christianity, which in their essential points, have been taken over from Jewry."

H1039-0082

A. I recall it. You need not read it any further.

Q. I am afraid I must read a few more extracts. "For this reason, also we do not need Christianity." No, that doesn't sound like advocating separation, does it ? That sounds like getting rid of it, doesn't it ? If you don't need a thing, you generally get rid of it --not separate it.

A. This circular of Bormann represents his private views. This circular was withdrawn by special order the next day.

Q. If it represents Bormann's private views, what is his purpose in sending it out to gauleiter ?

A. Probably he wanted to inform the gauleiters of his private views; that is, that he could possibly propagate his views as the views of the Party generally.

Q. But wasn't it sent to Gauleiters in order that gauleiters should put the policy into effect ?

A. Yes, if it remains as a fact; but not if a special order of Hitler withdrew it.

Q. Well, we will deal with that in a moment. I would like to go back to the point that the policy of the Nazi Party was separation of the Church and not suppression of the Church. Let me quote another passage from this document :"If therefore, in the future our youth learns nothing more of this Christianity, Christianity will disappear by tiself". That doesn't sound like separation, does it, or an advocation of separation ?

A. When it is withdrawn, it is not an official opinion. That is all I can say about it.

Q. You say it was withdrawn; but, six months later, in December 1941 a copy of this order was found amongst the papers of a Protestant priest. A letter from the security police in connection with that document says that the secret decree was sent to all gauleiters and makes absolutely no mention of the fact that it had been withdrawn the day after.

A. I do not knowof this, and therefore I cannot say.

Q. I want to ask about the knowledge of gauleiters generally in respect to what was happening in concentration camps. Did other gauleiters besides yourself visit Auschwitz ?

H1039-0083

A. I accompanied the Reichsfuehrer SS because Auschwitz was in Upper Silesia.

Q. I will simply ask you one further question on that. When you saw two new incinerators just installed, did it occur to you that the death rate at Auschwitz must be rather higher than one would except ?

A. No.

Q. It didn't occur to you as strange at all,did it, that there should be required two brand-new incinerators to deal with the corpses of those who died naturally in one concentration camp ?

A. I do not recall the exact number of inmates of Auschwitz, but there were no other possibilities. What else could they have done ? A city of 30,000 inhabitants must also have facilities to take care of the dead. Besides, I could understand that they wished to send the ashes to the relatives.

Q. But although it was in your gau and known as a concentration camp, you didn't see fit to make any inquiries about the matter ?

A. We were forbidden to do so.

Q. Didn't that raise your suspicions ?

A. I must say honestly that, as Deputy Gauleiter, I took care of Party matters; and I never felt a desire to inspect prisons or sanatoriums or the sort of thing.

Q. I am not concerned with your desires. Did you never feel a duty, as Deputy Gauleiter, to try to find out what was happening in this concentrati camp ? When you found two brand-new incinerators installed, and discovered that everybody was forbidden to ask any questions -- didn't that very greatly stir any sense of duty in a Deputy Gauleiter ?

A. I believe that the Prosecutor does not know that the Deputy Gauleiter is not simultaneously the Deputy Senior President.

Q. I don't mind what the Deputy Gauleiter is. Don't you think it might stir a sense of duty in any decent, ordinary individual if he is taken to Auschwitz and finds two brand-new incinerators installed for the use of the camp, and is told that he is forbidden to make any inquiries about them ?

A. I was not forbidden to ask any questions. I was only prohibited from inspecting the concentration camp without authority given by the Reichsfuehr SS. At that time we didn't have the slightest idea; we didn't know what th intended to do.

Q. When you found these two incinerators there, did you not think it strange that they would need two incinerators to cope with the dead in one concentration camp

A. I said this morning that there were all of seven urns, and that the incinerators were full.

Q. I won't labor the point. There is one matter I want to ask you about. I understood you to use this expression this morning when speaking of forei labor : "Industry", you said, "saw to it that her darlings would be treat well". Will you look at that document ; I refer you to D 338. This is a newdocument, and will become Organizations Document ... The number I don't know . It will, no doubt, be given a number by the Commissioner, and will be put into the transcript. That, you see, is a special medical report by a camp and works doctor at Essen, dated July 1944. You see that it is addr sed to the KVD. What is the KVD?

A. That is the Insurance Doctor's Associaiton of Germany.

Q. And the gauamtsleiter, Dr. Heinz. Is that the doctor on the gau staf

A. That can be assumed, but that is not from my gau.

Q. But that is what it means, isn't it ?

A. Yes.

Q. It reads :"The sick bay hut in Ravenhorst Camp is in such bad state that one can't speak of a sick bay anymore. The rain leaks through every- where. The housing of the sick is therefore impossible. The labor supply is thereby greatly endangered because those persons who are ill cannot get well again. The hut must be roofed over as quicly as possible, or the sick must all be transferred to hospitals. This must be avoided, because of the overburdening." Is that your idea of the way in which industry sought to see to it that its darlings were treated well ?

H1039-0085

A. Mr. Prosecutor, I appologise. I can only talk for my own gau, and not for other gaus. The document comes from the DAF (German Labor Front) -- the oberlager fuehrung, a sector of the DAF.

Q. May I see that ? The oberlager fuehrung -- that's the DAF, is it ?

A. Unless, it is the Todt Organization.

Q. It doesn't seem to me that it makes very much difference from where that document came. I am asking you whether that is what you meant by saying that industry treated its darlings well ?

A. I have stated before that I cannot testiry in connection with this document, since it is not in my gau.

Q. Did you never go into Essen or into the Ruhr areas ?

A. The Ruhr area belonged to my gau.

Q. Just dealing with the Gau of Essen for a moment : The Political Leiter must have known, must they not, of the conditions that are described in that letter ?

A. A man of the Labor Front, and presumably a Political Leiter, registers a complaint with the competent authorities.

Q. Yes; but he is complaining, is he not, to the gauamtsleiter among others ?

A. No, it is probably that he has complained to the Insurance Doctors Association. The gauamtsleiter was the Party representative for public health.

Q. The gauamtsleiter was the professional advisor to the gauleiter, wasn't he, on medical matters ?

A. Yes.

Q. And the gauleiter, we know, was responsible for the inspection of slave labor employed in industry -- to see that they were looked after properly ?

A. The gauleiter was not the responsible one, but the Reichs Arbeitseinsatz Ministry, the Reichs Works Ministry, and the Office of the Generalbevollmachtigte for Employment.

Q. But are you telling me that the gauleiter was not responsible for inspecting the conditions of slave laborers and controlling the various directives that were issued for their proper treatment ?

H1039-0086

A. There were direct decrees emanating from the Generalbevollmachtigte f : Employment

Q. Direct decrees saying that the gauleiter was responsible, were they n

A. The direct decrees went to the President of the German Labor Office.

Q. But, you see, we have a document here; and I refer to PS 3044, which will quote to you. It is a decree issued by Sauckel in May 1942 in which he lays down the treatment that is to be accorded to foreign laborers, and he

H1039-0087

says the German Labor Front was responsible for the care of foreign labor that was not agricultural; and he concludes by saying this: "In the German gaus, the gauleiter will have the rights of inspection and control of the execution of these orders." That, presumably, means what it says, doesn't it?

A I don't know the circular. I should like to see it.

Q It is a decree which was issued in the "Verfuegungen, Anordnungen-Bekanntgaben". Rather a mockery, isn't it, that you as a gauleiter -- by then were you not, in May 1942? ...

A I was Deputy Gauleiter.

Q Well, isn't it rather remarkable that that decree never came to your notice? Either then, or subsequently, when you became gauleiter?

A I don't doubt it, but at this moment I can't recall it.

Q We will go back where we were. The gauleiter in Essen must have been aware, if he was carrying out his duty, of the conditions that that doctor speaks of in the Ravenhorst labor camp?

A I believe there is a wrong concept of all the gauleiter has to do.

Q We do have a clear concept of what went on in his district. I will just refer you to a further document on this. Will you look at Document PS 205. That was another decree issued by the Party Chancellery and sent to all reichsleiters, gauleiters, kreisleiters, and ortsgruppenleiters. And Bormann, sending it out, says, "I request, in the attached copy, that the necessity for a firm but just treatment of foreign workers remain clear to the Party members and the people." Do you remember that circular?

A In any case, I have read it.

Q Well, now, read with me again. You will see that there are two paragraphs marked (1) and (2). Then you will see that there is a second paragraph marked (1). It starts off, "Everyone, even the primitive man, has a fine perception for justice. Consequently, every unjust treatment must have a very bad effect. Injustices, insults, trickeries, mistreatments, etc., must be discontinued. Punishment by beating is forbidden." Had it been the practice in the past to inflict injustices, insults, trickeries, and mistreatments upon your foreign laborers?

A We do not believe that that shows anything like that.

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Q If injustices, insults, trickeries, and mistreatments had not been inflicted upon foreign laborers, why was it necessary for Bormann to write around to all gauleiters saying that it must be discontinued?

A I don't recall, but my assumption is that it is a circular by Sauckel which Bormann is transferring to the Party for information.

Q Perhaps you will answer my question. I am not asking you what this document is; it is perfectly apparent what it is on the fact of it. I am asking you why it should ever be necessary to issue a letter like that if injustices, insults, trickeries, and mistreatments had not been inflicted on your foreign slaves.

A I do not know what caused the circular.

Q If the gauleiter, kreisleiter, and ortsgruppenleiter were not the people who were expected to look after them, why should it have been necessary to send itaround to all of them throughout the length and breadth of Germany?

A It was a customary method to make use of Party channels if one did not want to publicize something.

Q But if injustices, insults, trickeries, and mistreatments were not common practice in all Germany, why should all Germany get directions that they were to be discontinued?

A I suggest a representative of the Prosecution hears Sauckel on this point.

Q You will forgive me if I ask you not to make suggestions for me, but to try to concentrate on my questions. So far, you haven't answered my last question.

A In my opinion, that was the period when Sauckel took over the work.

Q It might have been the period when Sauckel took over the work. It was the period when you were one of the forty-some gauleiters to whom that circular was addressed, was it not?

A I was Deputy Gauleiter.

COLONEL GRIFFITH-JONES: No more questions.

BY COLONEL KAMEY:

Q With reference to an answer you gave to a question of your attorney, I understood this answer to state that all gauleiters also were Reichs Defense

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Commissars. Is that true?

A Yes.

Q Yesterday you answered a question as follows: "It was my peculiarity to transfer a number of orders and directives which I did not like, not in the way they came to me, or not at all." Could you possibly mention some directives which you did not approve of?

A For instance, the order pertaining to destruction.

Q Perhaps another one?

A The evacuation of the civilian population from the Ruhr.

Q Did you study "Mein Kampf" thoroughly?

A Honestly speaking, I did read "Mein Kampf" before the seizure of power.

Q Why did you show such disrespect toward your Fuehrer?

A I do not know whether that constitutes disrespect.

Q You appreciated quite well the basic ideas of Hitler. And did you agree with such ideas as race theories, Jewish persecution, the disregarding of pacts?

A It is a matter of course that a gauleiter of the NSDAP did stand by the race principles of the National Socialist Party.

Q And you approved of them?

A Otherwise, I would not have become gauleiter of the NSDAP.

Q Did you receive Himmler's reports on the political situation in the newly-occupied Eastern territory?

A No.

Q Did you ever hear that Himmler did address such reports to the gauleiter?

A It is completely new to me.

Q Yesterday you stated that it happened that Goering called on you. You discussed with him the decree of Hitler regarding the treatment of so-called "terror" aviators.

A At that time there was no question of a Hitler decree.

Q But you discussed another decree regarding this point?

A Yes.

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Q The possible "lynch justice"?

A Yes. Today it is called "lynch justice". At that time we did not consider it lynch justice, but it was a question of whether police or wehrmacht was to interfere or not.

Q And Goering told you that he did not approve of it either? Is that correct?

A Yes.

Q That is to say, if you did not execute such an order, you might count on Goering's support?

A One might say so.

Q Why did you issue your own orders to your kreisleiters like that?

A I believe that I have explained that I originally intended to issue it, but then I thought better of it. May I point out here that the shooting at civilian targets and populations was tremendous at that time.

Q Why did your own order not mention the fact that it was an order of Hitler?

A Up to this point I still did not know that it was a decree of the Fuehrer. All I knew about were Goebbels, Bormann, and Himmler.

Q In this case it doesn't make any difference. The important thing is that the contents of your order showed no reference to any of these. And the population of your gau was to understand it as coming exclusively from you. Is that correct?

A The population of the gau did not receive that order altogether.

Q If not the population, then all your Political Leiters?

A The kreisleiter repeated that for information only. Consequently, no Political Leiters would have heard about it.

COLONEL KAREV: No further questions.

REDIRECT EXAMINATION

BY DR. LINK:

Q I shall try my best to finish by five o'clock. Colonel Griffith-Jones has remarked upon the fact that the heading of the outline signed by you reads "The Gauleiter and Reichs Defense Commissar of the Gau". Was it customary in the internal Party communications that in an order issued by the

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Gauleiter and Reichs Defense Commissar, the letter only showed "Reichs Defense Commissar"?

A It was like this. When I acted as gauleiter, I only had the letterhead, "Gauleiter". The letterhead read "Reichs Defense Commissar". It was always my Deputy Regierungspraditent Eikoff. Only if I, personally, as Reichs Defense Commissar, issued something, I issued it with the letterhead shown here.

Q The way it is in the Document L 154. Furthermore, it has been pointed out that the Himmler order to the police was to be distributed for information to the gauleiters. And you have started to answer by an unfinished sentence. I do not want to speak for you; that is why I am asking you: Was it customary within the Party to address the Reichs Defense Commissar as Gauleiter?

A The words "Reichs Defense Commissar" were not a title, but a characterization of position. The title was gauleiter. This is the way it was with Reichsstatthalter, which was a title.

Q If I understood you correct, this is what you said. If a general was also president of a tennis association, the general, in his capacity as president of the tennis association, was customarily addressed as "General". That is the way it was with Gauleiter and Reichs Defense Commissar?

A That is what I meant to say.

Q I want to read very briefly the decree of March 13. It is the decree of Hess regarding the parachute jumpers. I would like to show it to you once more. I want to call attention to the first sentence, which gives the reason why the German population should be informed about the possibility of parachuting soldiers. Will you look at Paragraph Two and Three of the enclosure. Out of this context, can you give us an explanation again of what you think the words "to make harmless" mean?

A I have the impression that the notebooks and cards which are mentioned here were to be received.

MR. TAYLOR: Is there anything more that he can add to this that he didn't say this morning? I think it has been pretty well covered, hasn't it?

DR. LINK: We shall be finished shortly.

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A One wished to stop the parachutists from destroying these things. May I point out that this is the ou' ine of the supreme commander of the Luftwaffe who, until the end, was against the directives which were discussed here?

BY DR. LINK:

Q Do you see the date on this? I have pointed out the first sentence to you. On the basis of those two points, the stamp "Top Secret" was not merely a matter of routine.

A What you want to say is that it was shortly before the invasion of the West by German troops.

Q Could it possibly be that one wished to keep secret from the German population that enemy aviators could get into the interior of Germany?

A It may be possible, but it is actually a mistake on the part of the competent section.

Q You stated that it was not the specific task of the Political Leiters to suppress the Church. As a Deputy Gauleiter in Upper Silesia, in Westphalia Sud, do you know anything about how many Political Leiters, particularly hoheitstraeger, not only were members of the Catholic and Protestant Churches, but actually were active in them?

A It would have been an impossibility for me in the Saarland, which was a part of my gau, to ask people to resign from their church. Consequently, it was that all ortsgruppenleiters there were members of the church; and I would never have gotten to first base.

Q One question regarding the two incinerators in Auschwitz. When you saw these two incinerators, did you think about it at all that these two incinerators, compared with the population of the camp, were too large for the normal death cases?

A The discussion also did not raise any suspicions in me.

Q How do you know that the decree of Bormann explaining his attitude toward the church in June 1941 was withdrawn the next day?

A Because I myself received the teletype.

Q From Bormann himself? He had to withdraw it? What did it say?

A It requested the return of the decree and the secret accompanying

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letter and everything else.

Q Very briefly, in regard to the question pertaining to foreign labor. The report of the representative of the DAF that in some community camp the rain poured into some barracks. Do you conclude from this report that any Political Leiter may not have fulfilled his duties? Or does it lead you to the conclusion that some Political Leiter wanted to stop this generally not-very-extraordinary situation that it has rained into somewhere?

A I would like to assume the last.

Q The circular which summarizes the treatment of foreign labor. Do you know what I am referring to?

A Yes.

Q Do you know, about your gau or any other district, that before the issuance of this decree foreign labor was mistreated or beaten or suffered from trickery -- and were these procedures stopped afterwards, or were they not changed at all?

A I want to say something about this. At first we had prisoners of war. One believed that the Russian prisoners of war were very bad people. One soon found that such was not the case, that they were excellent for employment in the labor field. I do not know, but it is quite possible, that an individual farmer here and there proceeded with measures which were not quite correct. I am now referring to Russian PW's. But afterwards, when civilian labor arrived at a much later time, in my opinion there was no difference in the treatment before and after.

Q What has all this to do with the Corps of Political Leiters?

A I don't know.

Q The question of the Russian Prosecutor elicited the information that you had read the book "Mein Kampf", and that you approved of the thoughts of Hitler expressed therein, in particular the race question. What was your idea of a practical solution of problems pertaining to race or pertaining to Jews?

A We wanted to bring about a corresponding ratio in the key positions of the State offices. Later, after the seizure of power, it was discussed that they were to be deported to Madagascar or to the East. That is all we that we were told.

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Q Until what time?

A Officially, we never heard anything about the extermination of the Jews.

Q Wasn't there some concept about it, at least?

A I cannot say exactly whether it was the 24 February 1945 -- Hitler said between the lines: Should we lose the war, those who started the war would not get away with it. That is what I have heard during my entire professional life, but of course today one understands what is meant.

Q In February 1945 you still did not sort of suspect that, during these years, millions of Jews had been exterminated?

A Counsellor, you talk about millions; but it was only here in the witness house that it was actually a matter of millions of people involved. Up to now I believed it to be propaganda.

Q As Gauleiter, the highest authority in the Gau, you had no opportunity of finding out about these things?

A It is said to have to say that today, but the decisive factor missing was that of criticism. Bormann and the gang around Hitler had known how to break off any possible connection with Hitler. In 1938 I had the opportunity of having a little longer discussion with him.

MR. TAYLOR: We are not interested in any more personal details.

DR. LINK: No further questions.

(The Commission adjourned at 1700 hours.)

The foregoing is a true and correct transcript of the testimony of ALBERT HOFFMANN taken on 3 July 1946.

D. J. NOLL
Reporter

ISABEL A. LESSER
Reporter

GENEVIEVE BIOLSI
Reporter

CERTIFIED TO: JOSEPH F. TUBRIDY
Commissioner